**In re Eddy Copot**
Respondent-Appellant

Commission No. 2022PR00036

**Synopsis of Review Board Report and Recommendation**
(October 2024)

The Administrator brought a one-count disciplinary Complaint against Respondent, charging him with engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010). The Complaint alleged that Respondent dishonestly created three false emails at the insurance company where he worked, in order to make it falsely appear that his supervisor had approved Respondent's denial of three insurance claims, when, in fact, Respondent's supervisor had not created those emails, or approved the denial of those claims.

The Hearing Board found that Respondent had committed the charged misconduct and recommended that Respondent be suspended for six months, and until he completes the ARDC Professionalism Seminar.

Respondent filed an appeal, *pro se*, in which he raised approximately a dozen issues, including that (1) his due process rights were violated; (2) the Hearing Board erred in admitting three exhibits; (3) the Hearing Board erred in finding that Respondent committed the charged misconduct; and (4) the case should be dismissed, or the sanction should be a reprimand or censure, or a suspension of 60 days or less. The Administrator argued that there was no reversible error, and the sanction recommended by the Hearing Board was appropriate.

The Review Board rejected Respondent's arguments, and affirmed the Hearing Board's evidentiary rulings and factual findings. The Review Board also agreed with the Hearing Board's sanction recommendation, and therefore recommended that Respondent be suspended for six months and until he completes the ARDC Professionalism Seminar.

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

In the Matter of:

**EDDY COPOT,**

Respondent-Appellant,

No. 6312581.

Commission No. 2022PR00036

# REPORT AND RECOMMENDATION OF THE REVIEW BOARD

## SUMMARY

The Administrator brought a one-count disciplinary Complaint against Respondent, charging him with engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010). The Complaint alleged that Respondent dishonestly created three false emails at the insurance company where he worked, in order to make it falsely appear that his supervisor had approved Respondent's denial of three insurance claims, when, in fact, Respondent's supervisor had not created those emails, or approved the denial of those claims.

The disciplinary hearing was held over the course of four days, on May 24, May 25, July 25, and July 26, 2023. Respondent represented himself at the hearing. The Administrator called three witnesses, and presented eight exhibits that were admitted. Respondent testified on his own behalf and called four other witnesses. He also presented thirty-three exhibits that were admitted.

The Hearing Board found that Respondent committed the charged misconduct and recommended that Respondent be suspended for six months and until he completes the ARDC Professionalism Seminar.

Respondent filed an appeal, *pro se*, in which he raised approximately a dozen issues, including that (1) his due process rights were violated; (2) the Hearing Board erred in admitting three exhibits; (3) the Hearing Board erred in finding that Respondent committed the charged misconduct; and (4) the case should be dismissed, or the sanction should be a reprimand or censure, or a suspension of 60 days or less.

The Administrator argues that there is no reversible error, and the sanction recommended by the Hearing Board is appropriate.

For the reasons that follow, we reject Respondent's arguments, and affirm the Hearing Board's evidentiary rulings and factual findings. We also adopt the Hearing Board's sanction recommendation.

## BACKGROUND

The facts and procedural background are fully set out in the Hearing Board's report and are summarized only to the extent necessary here.

### Respondent

Respondent was admitted to practice law in Illinois in 2013. From April 2017 through October 2018, Respondent worked as a claims counsel for Stewart Title Guaranty Company. He also worked for McDonald's Corporation as a consultant attorney for six months in 2019, and for a year beginning in June 2022. Additionally, he worked on other matters that included real estate transactions, contract matters, and litigation. He has no prior discipline.

## Respondent's Misconduct

### Overview

Stewart Title Guaranty Company (the "company") was a real estate services company that provided title insurance, as well as other services. Respondent, who worked for the company, was

responsible for processing claims for insurance coverage submitted by customers based on their title insurance policies.

The Hearing Board found that, in 2018, Respondent created three false emails, in order to make it falsely appear that his supervisor had written those emails, approving Respondent's denial of three separate insurance claims. The Hearing Board found that Respondent's supervisor did not write the emails at issue; the supervisor did not approve the denials of the three insurance claims; and Respondent created those emails in order to deceive the company.

Kelly Rickenbach was Respondent's supervisor. She was an Associate Chief Claims Counsel for the company, and she began working at the company in 2005. She testified at the disciplinary hearing about the three emails at issue, and about the company's policies and procedures. (*See* Tr. 145-488.)

Scott McBee, who was Rickenbach's supervisor, also testified at the disciplinary hearing about the three emails at issue, the company's policies and procedures, and actions taken relating to the emails. (Tr. 489-594.) McBee was the Chief Claims Counsel and Associate General Counsel for the company, and he worked at the company for approximately twenty years.

Genady Vishnevetsky, who was the chief information security officer for the company, also testified about the three emails at issue. (Tr. 608-749.) Vishnevetsky had worked in the information technology ("IT") field for more than 30 years, and he testified at the disciplinary hearing as an IT expert. He concluded that all three emails had been altered, and the emails' metadata did not match the contents of the emails.

Respondent testified on his own behalf at the disciplinary hearing. (Tr. 974-1164.) He testified that he did not create the three false emails at issue. (*See e.g.*, Tr. 981, 1086, 1127-29.) He testified that, since he did not create the false emails, somebody else must have done so. (Tr.

1129.) He also testified that he was fired in retaliation for filing a complaint with the company's human resources department concerning Kelly Rickenbach. (*See* Tr. 1086.) The Hearing Board rejected Respondent's testimony, finding that his version of events was highly implausible, and his testimony was not credible.

**The Company Procedures**

The company had procedures in place for the denial of claims for insurance coverage, which involved a two-step process to ensure that the denial was appropriate. When a claims counsel determined that a claim should be denied, the claims counsel was required to send the recommended denial to a supervisor for approval. The denial of the claim had to be approved in writing by a supervisor. The supervisor reviewed the analysis of the claims counsel to make sure that the denial was appropriate and the correct policy provisions were cited; the supervisor also reviewed the denial letter to ensure that it looked professional.

The company used a database called "Legal Files" to track and store information about claims that the company handled. Each time a claim was opened, a number was generated and saved in Legal Files for that particular claim. All denial of claims had to be saved in Legal Files. The only people who had access to the claims in Legal Files were the system administrator, the claims counsel who opened the file, and the supervisors.

**1. The MW Claim**

Two individuals, MW and CW, submitted an insurance claim seeking payment from the company (the "MW" claim). The claim was identified as number ….448. (Claimants are identified with initials and claim numbers are redacted for privacy reasons.)

**Rickenbach's Testimony**: Kelly Rickenbach, who was Respondent's supervisor, testified that in October 2018, she reviewed a file maintained in Legal Files concerning the MW claim.

According to Rickenbach, an agent or a customer contacted her about the MW claim, so she looked at the file. She discovered that a denial letter had been sent out, but she did not remember denying the claim, so she looked further.

Rickenbach found an email, dated October 15, 2018, indicating that she had approved the denial of the MW claim, which Rickenbach had purportedly sent to Respondent. (Adm. Ex. 7 at 3.) The subject line stated, "Denial ….448." The email said "**Approved**, please LF. Thanks. KAR" (emphasis added). ("Please LF" meant please save the email in Legal Files, and "KAR" are Rickenbach's initials.)

Rickenbach did not recall reviewing the denial of the MW claim, or sending an email approving the denial of that claim. She searched her email account and could not find the email in her "sent items" folder. She looked at the denial letter sent to the MW claimants and noted that it was not in a form that she would have approved.

Rickenbach knew how to look at the email's metadata, and she reviewed the metadata for the email concerning the MW claim. That metadata showed that the original email had a subject line stating, "[External] Your Request for Time off has been approved." (Adm. Ex. 7 at 4.) The metadata also indicated that the email originated from an external server maintained by ADP, a third-party vendor that performed payroll and human resources functions for the company. Respondent had requested time off around that time. Rickenbach concluded that the ADP email had been changed and falsified.

**Vishnevetsky's Testimony**: Genady Vishnevetsky, an IT expert who worked for the company, also testified about the email concerning the MW claim. Vishnevetsky reviewed the metadata associated with that email and concluded that the metadata did not match what appeared in the email.

Vishnevetsky testified that he received a copy of the metadata with Rickenbach's handwritten notes on it, but he also independently pulled the metadata from the original email. The metadata that he pulled from the original was identical to the copy that he had received with Rickenbach's handwriting on it.

Vishnevetsky testified that the metadata proved that the email was not an internal email from Rickenbach to Respondent as it appeared to be; instead, it came from an external source (ADP). The metadata also showed that the subject line of the original email stated, "[External] Your Request for Time Off has been approved." The subject line of the email at issue stated, "Denial ….448."

Vishnevetsky testified that, if the email had been sent from Rickenbach to Respondent, the email would not have traveled through an ADP server. He also testified that if the email had been internal, from Rickenbach to Respondent, the metadata would have been much smaller, because internal communications generated less metadata. Consequently, Vishnevetsky concluded that the message had been altered.

Vishnevetsky had a copy of the email concerning the MW claim on his computer as he was testifying and he pulled up the metadata from that email and put it on his screen to share it with the individuals participating in the hearing. He testified that the metadata was exactly the same as the metadata he had been given by the company. A copy of the metadata that Vishnevetsky pulled up at the hearing was admitted into evidence as Administrator's Exhibit 13.

**2. <u>The BB Claim</u>**

Three individuals, BB, JB, and MQ, submitted an insurance claim seeking payment from the company (the "BB" claim). The claim was identified as number ….925.

**Rickenbach's Testimony**: Rickenbach testified that she reviewed a file maintained in Legal Files concerning the BB claim, and found an email, dated September 28, 2018, indicating that she had approved the denial of the BB claim. (Adm. Ex. 7 at 16.) That email made it appear that Respondent had sent an email to himself, purportedly forwarding an email from Rickenbach, approving the denial of the BB claim. That email had a subject line stating "Denial ….925." The email stated, "**Approved**, please LF. Thanks. KAR" (emphasis added). (As noted above, "Please LF" meant please save the email in Legal Files, and "KAR" are Rickenbach's initials.)

Rickenbach testified that she did not approve the denial of the BB claim. She thought the email looked like it had been cut-and-pasted from one of her prior approvals. Moreover, her understanding of Microsoft Outlook (the email system used by the company) was that it automatically placed the prefix "FW" in the subject line of an email that is forwarded. The subject line of the email at issue did not have the "FW" prefix showing that the email had been forwarded. She did not find a copy of the purported approval email in her "sent items" folder, or saved in Legal Files. She did not recall reviewing or approving the denial and she testified that she would not have approved the denial letter that was in the BB file.

**Vishnevetsky's Testimony**: Vishnevetsky testified about the email concerning the BB claim. Vishnevetsky examined the metadata associated with that email and determined that the metadata was not consistent with what appeared in the email at issue.

According to Vishnevetsky, although it appeared that Respondent purportedly forwarded an email from Rickenbach concerning the BB claim, the metadata did not show that an email had been forwarded. According to Vishnevetsky, normally, when emails are forwarded in Microsoft Outlook, the prefix "FW" appears in the subject line, by default, and the "FW" prefix was not in

the subject line of that email. Vishnevetsky testified that he believed the email concerning the BB claim had been manipulated to make it appear that the email from Rickenbach had been forwarded.

Vishnevetsky also testified that when emails are forwarded in Outlook, the metadata contains a Message ID, as well as a reference to the original Message ID. Vishnevetsky testified that the email concerning the BB claim had only one Message ID, which is consistent with an email being sent directly from the sender to the recipient, [for example, from Respondent to himself], without another email being forwarded. Vishnevetsky concluded that the email at issue did not actually contain an email from Rickenbach, approving the denial of the BB claim.

**3. <u>The SA Claim</u>**:

A company, SA, submitted an insurance claim seeking payment (the "SA" claim). The claim was identified as number ….420.

**<u>Rickenbach's Testimony</u>**: Rickenbach testified that she reviewed a file maintained in Legal Files concerning the SA claim, and found an email, dated October 24, 2018, indicating that she had approved the denial of the SA claim. (Adm. Ex. 7 at 10.) The email made it appear that Respondent had sent an email to himself, purportedly forwarding an email from Rickenbach, approving the denial of the SA claim. That email had a subject line stating "Denial ….420." The email stated, "**Approved**, please LF. Thanks!" (Emphasis added.) (As noted above, "Please LF" meant please save the email in Legal Files.)

Rickenbach testified that she did not approve the denial of the SA claim. She thought that the email looked like it had been cut-and-pasted from one of her prior approvals. She did not find a copy of the purported approval email in her "sent items" folder, and she did not find a copy of the purported approval email in Legal Files. She testified that she would not have approved the denial letter that was in the SA file. Moreover, the subject line of the email at issue did not have

the "FW" prefix showing that the email had been forwarded. She did not recall reviewing or approving the denial of the SA claim.

**Vishnevetsky's Testimony**: Vishnevetsky also testified about the email concerning the SA claim, which appeared to be an email that Respondent sent to himself, purportedly forwarding an email from Rickenbach approving the denial of the SA claim. Vishnevetsky reviewed the metadata associated with that email and concluded that the metadata was not consistent with what appeared in the email.

According to Vishnevetsky, although it appeared that Respondent purportedly forwarded an email from Rickenbach approving the denial of the SA claim, the metadata did not show that an email had been forwarded. According to Vishnevetsky, normally, when emails are forwarded in Microsoft Outlook, the prefix "FW" appears in the subject line, by default, and the email has two Message IDs. Vishnevetsky testified that the email concerning the SA claim was missing the "FW" prefix in the subject line, and it had only one Message ID, instead of two.

Vishnevetsky concluded that the email at issue did not actually forward the purported email by Rickenbach approving the denial of the SA claim. Vishnevetsky testified that he believed the email concerning the SA claim had been manipulated to suggest that an email from Rickenbach had been forwarded.

Vishnevetsky testified that he could not draw a conclusion as to when the manipulations in the three emails at issue were made, who made them, or what device was used to make them.

**Respondent Was Fired**

Rickenbach told her supervisor, Scott McBee, what she had found. She also sent him an email and attached the three false emails at issue, as well as the metadata for the MW email, the denial letters for the three claims, and summaries concerning each of the three emails. (Adm. Ex.

7 at 1-19.) Around the same time, the company's IT department looked at the email approving the denial of the MW claim and determined that the email had been falsified.

The company fired Respondent at the end of October 2018, based on the three false emails at issue.

## THE HEARING BOARD'S FINDINGS AND SANCTION RECOMMENDATION

### Misconduct Findings

The Hearing Board found that Respondent violated Rule 8.4(c). (Hearing Bd. Report at 10-12.) Rule 8.4(c) provides, "It is professional misconduct for a lawyer to … engage in conduct involving dishonesty, fraud, deceit, or misrepresentation."

The Hearing Board stated, "Respondent altered three emails to make it appear as though Rickenbach had approved the denial of the [MW, SA, and BB] claims when, in fact, she neither reviewed nor approved the claim denials. In so doing, Respondent engaged in a course of conduct that was calculated to deceive his employer, and therefore violated 8.4(c)." (*Id*. at 10.)

### Findings Regarding Mitigation and Aggravation

In terms of mitigation, the Hearing Board recognized that Respondent had no prior discipline. Additionally, Brian Sheedy, who supervised Respondent when he worked as an independent consultant for McDonald's Corporation, testified positively concerning Respondent's employment with McDonald's. (*Id*. at 12.)

In terms of aggravation, the Hearing Board stated, "[T]hroughout his disciplinary proceedings, Respondent repeatedly accused the Administrator's counsel of improper conduct such as concealing evidence and conspiring with others against him. Making such baseless allegations against opposing counsel is inappropriate, unacceptable, and unbecoming of an

attorney, and raises some concern about Respondent's ability to conduct himself professionally in the future." (*Id*. at 13.)

**Recommendation**

The Hearing Board recommended that Respondent be suspended for six months and until he completes the ARDC Professionalism Seminar. (*Id*. at 15.)

## ANALYSIS

On appeal, Respondent, who is *pro se*, argues that: (1) his due process rights were violated; (2) three exhibits should not have been admitted; (3) the Hearing Board erred in finding that he committed the charged misconduct; and (4) the recommended sanction is too harsh. We find that none of Respondent's arguments have merit.

The Hearing Board's procedural and evidentiary decisions are ordinarily reviewed for an abuse of discretion, which occurs when no reasonable person would agree with the position taken by the Hearing Board. *See In re Chiang*, 2007PR00067 (Review Bd., Jan. 30, 2009) at 10, *petition for leave to file exceptions denied*, M.R. 23022 (June 8, 2009). A hearing is not affected by an erroneous ruling unless there is a showing of prejudice. *In re O'Brien*, 2018PR00111 (Review Bd., June 7, 2022) at 7, *petition for leave to file exceptions denied*, M.R. 031366 (Sept. 21, 2022). Questions of law, including the interpretation of rules, are reviewed under a *de novo* standard. *See In re Thomas*, 2012 IL 113035, ¶ 56, 962 N.E.2d 454 (2012). Generally, due process issues, which present questions of law, are also reviewed *de novo*. *See In re Rothman*, 2002PR00087 (Review Bd., Feb. 10, 2005) at 8, *petition for leave to file exceptions allowed*, M.R. 20128 (May 20, 2005).

For the reasons set forth below, we find that there were no due process violations; we affirm the Hearing Board's evidentiary rulings, and the Hearing Board's finding that Respondent committed the charged misconduct; and we adopt the Hearing Board's sanction recommendation.

In reaching our conclusions and making our sanction recommendation, we have given careful consideration to all of the issues Respondent raised on appeal; the arguments that the parties made in the briefs and at oral argument; the evidence presented at the disciplinary hearing; the caselaw presented by the parties; and the Hearing Board's Report.

## There Were No Due Process Violations

Respondent argues that his due process rights were violated because: (1) the Hearing Board's findings of misconduct were based on uncharged conduct concerning the lawsuit that Respondent filed against the company; (2) a letter sent to the ARDC by the company's attorney, Daniel Feeney, was not produced until after the disciplinary Complaint was filed; and (3) the expert witness, Genady Vishnevetsky, committed perjury. Those arguments fail.

In a disciplinary proceeding, due process requires notice of the allegations of misconduct, and a fair opportunity to defend against those allegations. *See In re Chandler*, 161 Ill. 2d 459, 470, 641 N.E.2d 473 (1994). The due process requirements were fully satisfied in this case.

### Respondent's Federal Lawsuit Against the Company

After he was fired, Respondent sued the company in federal court for firing him, claiming, among other things, that he was framed and someone else created the false emails. Respondent argues that his filing the federal lawsuit constituted uncharged conduct that was not included in the disciplinary Complaint, and the Hearing Board based its findings of misconduct on that uncharged conduct, in violation of Respondent's due process rights.

The Administrator argues that the evidence concerning the federal lawsuit constituted aggravating evidence because, in the federal lawsuit, Respondent blamed others for his misconduct, just as he did in the disciplinary case, by claiming that he was framed and someone else created the fake emails. We note that uncharged conduct may be considered in aggravation

when it is similar to the charged misconduct and it is established by evidence in the record. *See In re Storment*, 203 Ill. 2d 378, 400, 786 N.E.2d 963 (2002).

Nevertheless, we do not need to address that issue here because the Hearing Board did not base its findings of misconduct on the evidence concerning the federal lawsuit. The Hearing Board stated, "We note the existence and outcome of the federal lawsuit, but have not taken any of the federal court's findings into account in reaching our own findings and conclusions in this disciplinary matter." (Hearing Bd. Report at n.4.) Thus, there was no due process violation.

Additionally, to be clear, in addressing the issues on appeal in this case, we have not based our findings of misconduct on the evidence concerning the federal lawsuit.

**Daniel Feeney's Letter**

Respondent argues that his due process rights were violated by the Administrator's delay in producing a letter that was sent to the ARDC by Daniel Feeney, an attorney for the company. That argument has no merit.

In September 2018, Daniel Feeney sent a letter to the ARDC concerning Respondent and the three false emails at issue in this case. The letter had an attachment showing metadata from the email concerning the MW claim. Feeney's copy of the metadata looked different than the metadata from the company's computer because Feeney had produced the metadata on his own computer and copied it to a Word document. Feeney printed the Word document, and sent it to the ARDC.

Respondent argues that the metadata attached to Feeney's letter was exculpatory and provided a defense in his case because it showed that the company-generated metadata was unreliable. We disagree. We find that Feeney's letter was not exculpatory. The metadata simply looked different because it was printed in a different format. It did not show that the metadata from

the company's computer was unreliable, and it did not provide a basis for a defense to the misconduct charges.

Respondent argues that the Complaint should have been filed earlier, so that the letter would have been produced sooner, and he could have used the letter to convince the federal judge in the civil case, and the Illinois Supreme Court in the disciplinary case, to order the company to provide additional discovery. Respondent's argument fails because the Administrator did not have an obligation to file the Complaint any sooner than it was filed, and producing the letter after the Complaint was filed did not prejudice Respondent. *See In re Teichner*, 75 Ill. 2d 88, 95, 387 N.E. 265 (1979) ("There is no statute of limitations governing our disciplinary proceedings.").

The Administrator turned over Feeney's letter in a timely manner, as part of discovery. Feeney's letter was not exculpatory, and there is no reason to believe that Feeney's letter would have changed any rulings, or bolstered Respondent's defense. Thus, there was no prejudice to Respondent and no due process violation in connection with the production of Feeney's letter.

Respondent, who is *pro se*, also argues that the Administrator's Counsel engaged in unethical conduct by failing to produce Feeney's letter earlier, thereby essentially concealing Feeney's letter. That argument has no merit because the Administrator had no obligation to produce or disclose Feeney's letter earlier. We find it egregious that Respondent has made a specious allegation against the Administrator's Counsel, claiming that Counsel engaged in unethical conduct, when, in fact, Counsel did nothing wrong.

**Vishnevetsky's Testimony**

Respondent argues that his due process rights were violated because Genady Vishnevetsky, who testified as an IT expert, committed perjury. Respondent also claims that the Administrator's

Counsel suborned that perjury. Those arguments have no merit, and they are not supported by the facts or the law.

Vishnevetsky testified that when emails are forwarded in Microsoft Outlook, the metadata contains two Message IDs, (a Message ID, and a reference to the original Message ID). (Tr. 622-26, 688.) According to Respondent, Vishnevetsky was intentionally lying about that issue.

Respondent argues that his Exhibit 20 is inconsistent with Vishnevetsky's testimony, and therefore, Exhibit 20 is absolute proof that Vishnevetsky intentionally lied. That argument fails.

Respondent's Exhibit 20, on its face, appears to be an email (unrelated to the emails at issue here) that was sent to Respondent by another individual, which includes a chain of three other emails. The third page of Exhibit 20 appears to be metadata relating to that email.

Respondent testified that, based on his reading of the metadata in Exhibit 20, that metadata contained only one Message ID. (Tr. 1096-1101, 1120-21.) Respondent then argues that Exhibit 20 proves that Vishnevetsky committed perjury by testifying that emails forwarded in Microsoft Outlook have two Message IDs. We reject that argument.

Perjury requires an intentional false statement. (*See* 720 ILCS 5/32-2(a)). Exhibit 20 does not establish that Vishnevetsky made an intentional false statement during his testimony.

Respondent's testimony was the only evidence pertaining to Exhibit 20, and there is no evidence that Respondent interpreted the metadata correctly. Respondent did not offer any evidence to corroborate his testimony, and he admitted that he is not an IT expert, testifying "I have no background in IT." (Tr. 983.) He also testified that he knows how to read metadata only "generally." (Tr. 1122.)

There is no evidence that Exhibit 20 contained all of the relevant metadata for the email in that exhibit, and there is no evidence that the chain of emails in that exhibit were actually

forwarded. Respondent also failed to offer any evidence concerning Message IDs. Respondent did not offer any expert testimony concerning Exhibit 20 or concerning Message IDs generally, including any expert testimony (or any evidence besides his own testimony) that contradicted or undermined Vishnevetsky's testimony.

Respondent also failed to elicit any testimony from Vishnevetsky concerning Exhibit 20. Although Respondent asked Vishnevetsky to identify the number of Message IDs in the metadata in Exhibit 20, an objection to that question was sustained, based on a lack of foundation for Exhibit 20. (Tr. 710-12.) Respondent did not ask Vishnevetsky any other questions concerning Exhibit 20.

In sum, we find that the record does not support Respondent's argument that Vishnevetsky committed perjury.

We also find that the Administrator's Counsel did not suborn perjury, since there was no perjury. Once again, we find it egregious that Respondent made an unfounded accusation against Counsel, claiming that Counsel suborned perjury, when, in fact, Counsel did nothing wrong.

**Evidentiary Rulings – the Admission of Exhibits 7, 11, and 13**

Respondent argues that the Hearing Board Panel Chairman (the "Chair") erred by admitting the Administrator's Exhibits 7, 11 and 13. That argument fails. We find that the Chair did not abuse his discretion in admitting those exhibits, and Respondent has not shown any prejudice.

**The MW Email – Hearsay – (Administrator's Exhibit 7, pages 3-5)**

Respondent argues that the Chair erred in admitting the Administrator's Exhibit 7 (pages 3-5), because that exhibit constituted hearsay. Respondent is challenging the admission of the false email concerning the MW claim and the underlying metadata. That email was originally an email from ADP concerning a time-off request by Respondent, and the ADP email was used to create

the false MW email at issue here. Respondent contends that the false email should have been excluded as hearsay because it was an out of court statement made by ADP. That argument is not persuasive.

Hearsay is an out of court statement offered to prove the truth of the matter asserted. *See* Rule 801(c), of the Illinois Rules of Evidence. The false MW email was not offered for the truth of the matter asserted; instead, the MW email was offered to show that a false email had been created. Therefore, the false MW email did not constitute hearsay. At the hearing, the Chair stated, "I'm going to deny the motion [to exclude the false MW email as hearsay] because it's not being offered for the truth of the matter." (Tr. 192.) Thus, the false MW email was properly admitted.

**Metadata for the MW Email – Notice – (Administrator's Exhibit 13)**

Respondent argues that the Chair erred in admitting the Administrator's Exhibit 13, which is a copy of the metadata for the MW email that Vishnevetsky pulled up from the company's Legal Files database during his testimony. Respondent argues that the Administrator did not disclose Exhibit 13 when the parties exchanged exhibits in May 2023, and therefore that exhibit should not have been admitted. That argument fails.

Exhibit 13 was created during the hearing, after Vishnevetsky pulled up the metadata for the MW email and put it on his screen to share it with the individuals participating in the hearing. (Tr. 632-35.) Exhibit 13 was properly admitted in order to preserve the information displayed, and to make it part of the record.

Additionally, Vishnevetsky testified that the metadata for the MW email that he pulled up and displayed was exactly the same as the metadata for the MW email that was contained in the Administrator's Exhibit 7. (Tr. 633.) The Administrator turned over Exhibit 7 in a timely manner, as part of discovery, shortly after the Complaint was filed. Respondent has not argued that the

Administrator's Exhibit 7 was not timely produced. Thus, Respondent had adequate notice concerning the metadata for the MW email, which was contained in Exhibits 7 and 13.

**Foundation – (Administrator's Exhibits 7, 11, and 13)**

Respondent also argues that three of the Administrator's exhibits – Exhibit 7 at pages 1-19 ("Exhibit 7"), and Exhibits 11 and 13 – should not have been admitted because there was not an adequate foundation for those exhibits. That argument is unpersuasive.

Exhibit 7 includes the materials that Kelly Rickenbach sent to her supervisor, namely, the three false emails at issue and the metadata for the MW email, as well as the denial letters for the claims, and Rickenbach's summaries concerning each email. Exhibit 11 is Vishnevetsky's declaration in the federal case. Exhibit 13 is the metadata for the MW email, which Vishnevetsky pulled up during the hearing, discussed above.

After reviewing the record, we find that Respondent's objections were forfeited concerning the foundation for those three exhibits because Respondent did not object to the admission of those exhibits based on a lack of foundation at the disciplinary hearing. A claim of error, which is not presented to the Hearing Board, may not be raised for the first time on appeal. *See In re O'Shaughnessy-Marcanti*, 1996PR00001 (Review Bd., Oct. 16, 1997) at 8, *petition for leave to file exceptions denied*, M.R. 14249 (Jan. 29, 1998) ("Generally, objections not raised in the trial court are deemed forfeited and may not be raised for the first time on appeal …. 'The law does not allow parties to lawsuits to sit by and permit allegedly improper evidence to be introduced without objection and then claim error on appeal.'") (citations omitted); *People v. Woods*, 214 Ill. 2d 455, 470, 828 N.E.2d 247 (2005) ("[The forfeiture rule] is particularly appropriate when a defendant argues that the State failed to lay the proper technical foundation for the admission of evidence,

and a defendant's lack of a timely and specific objection deprives the State of the opportunity to correct any deficiency in the foundational proof at the trial level.").

Additionally, we find that even if there had been no forfeiture, there was an adequate foundation for each of those exhibits; the Hearing Board did not abuse its discretion in admitting those exhibits; Respondent failed to show that he was prejudiced by the admission of those exhibits; and there was no showing that those exhibits were unreliable.

**Exhibit 7**: Respondent failed to object to the lack of foundation for Exhibit 7, and therefore the issue is forfeited. At the disciplinary hearing, when the Administrator moved to admit Exhibit 7, the Chair asked Respondent if he had any objection, Respondent argued that the email account had not been admitted into evidence, but he did not argue that Rickenbach had failed to present an adequate foundation for Exhibit 7, as he now argues on appeal. (*See* Tr. 217-18.)

Even if there had been no forfeiture, Respondent's argument fails because Kelly Rickenbach provided an adequate foundation for this exhibit. Rickenbach testified that she obtained the records in Exhibit 7 from the company's Legal Files database, and sent them to her supervisor in order to inform him of the results of her investigation, along with her written descriptions of the documents, which are included in Exhibit 7. Rickenbach testified that the company used the Legal Files computer program, as a claims database in order to track claims. Each file was assigned a number when it was opened, and that file and number were saved in Legal Files, and as a supervisor, she had access to claims files that were maintained in the company's Legal Files. We conclude that the Hearing Board did not err in admitting that exhibit.

**Exhibit 11**: Respondent failed to object to Exhibit 11 based on a lack of foundation and therefore forfeited that objection. At the disciplinary hearing, when the Administrator moved to admit Exhibit 11, the Chair asked Respondent if he had any objections and he said, "No objection."

(Tr. 642.) Additionally, Respondent's argument fails because Vishnevetsky provided a sufficient foundation for this exhibit. Vishnevetsky testified that he prepared Exhibit 11; he reviewed it; and it was true and correct to the best of his knowledge. (Tr. 642.)

**Exhibit 13**: Respondent objected to the admission of Exhibit 13 based on a lack of notice, (as discussed above), but he failed to object based on a lack of foundation, and therefore forfeited that objection. When Exhibit 13 was offered, the Chair asked Respondent if he had any objections. Respondent did not object based on foundation. Instead, Respondent stated that he objected "in terms of not being … given the information ahead of time; and the opportunity to have time for an expert, or time to earlier review the evidence that's offered." (Tr. 636.) In addition, Vishnevetsky provided an adequate foundation for this exhibit. As discussed above, Exhibit 13 is the metadata relating to the MW email, which Vishnevetsky pulled up from the company's Legal Files database, and he testified about his process of doing so. (Tr. 627-33.)

**Respondent Committed the Charged Misconduct**

Respondent argues the Hearing Board erred in finding that he committed the misconduct charged in the Complaint. Respondent also argues that the Hearing Board failed to consider all of his exhibits. Those arguments are not persuasive.

The Hearing Board's factual findings generally will not be disturbed unless they are against the manifest weight of the evidence. *See In re Timpone*, 208 Ill. 2d 371, 380, 804 N.E.2d 560 (2004). A factual finding is against the manifest weight of the evidence only when the opposite conclusion is apparent or the finding appears unreasonable, arbitrary, or not based on the evidence. *See Leonardi v. Loyola University*, 168 Ill. 2d 83, 106, 658 N.E.2d 450 (1995). Additionally, the Hearing Board's findings regarding the credibility of witnesses and the resolution of conflicting testimony are entitled to great deference because the Hearing Board is able to observe the

witnesses' demeanor and judge their credibility. *See In re Timpone*, 157 Ill. 2d 178, 196, 623 N.E.2d 300 (1993). The interpretation and application of the Rules of Professional Conduct are reviewed *de novo*. *See In re Karavidas*, 2013 IL 115767, ¶ 36, 999 N.E.2d 296 (2013).

**The Charged Misconduct**

Respondent argues that the Hearing Board erred in finding that he created the three falsified emails, which constituted dishonest conduct. He argues that there was no evidence that he created those emails. We reject that argument in light of the evidence presented at the disciplinary hearing, which included the following:

• Kelly Rickenbach testified about the three false emails, stating that she believed she did not write those three emails; those emails were not in her "sent emails" folder; she would not have approved the format of the letters sent to the claimants denying their claims; and the metadata for those emails showed that the emails had been falsified.

• Scott McBee, who was Rickenbach's supervisor, testified that Rickenbach communicated that information to him.

• Genady Vishnevetsky testified that the metadata for those emails showed that the emails had been falsified.

• The Hearing Board stated:

> In reaching our findings, we relied heavily upon the testimony of Rickenbach, McBee, and Vishnevetsky, all of whom we found to be credible and compelling witnesses. We note that Rickenbach, in particular, testified for a day and a half, which allowed us a substantial amount of time to listen to and observe her testimony and assess her credibility. We further note that Rickenbach's hearing testimony was consistent with her August 2021 declaration in the federal lawsuit brought by Respondent against Stewart; that Rickenbach and McBee testified consistently with each other; and that their testimony was corroborated by contemporaneous emails describing Rickenbach's concerns, what her investigation revealed, and the course of action they chose to pursue. Their testimony also was buttressed by documentary evidence, as well as by Vishnevetsky's uncontroverted expert testimony explaining how he arrived at his conclusion that each of the three emails had been altered.
> ****
> [Vishnevetsky's] definitive and uncontradicted expert testimony that [the emails] had been altered, combined with documentary evidence indicating that Respondent sent the emails and the absence of any evidence that another Stewart employee had

> access to Respondent's computer or email account, convince us that Respondent altered the emails in an effort to deceive his employer.
>
> (Hearing Bd. Report at 10-11.)

We agree with the Hearing Board's analysis. We conclude that the Hearing Board was correct in finding that Respondent committed the charged misconduct. The Hearing Board's findings are fully supported by the record, and are not against the manifest weight of the evidence.

**Respondent's Exhibits**

Respondent argues that the Hearing Board failed to consider seven of his exhibits because those exhibits were not listed in an introductory paragraph of the Hearing Board's Report, entitled "Evidence," which briefly described the evidence at the disciplinary hearing. (*See* Hearing Bd. Report at 2.) That argument has no merit.

It is clear from the Hearing Board's Report that the Hearing Board considered all of the evidence, including all of the exhibits. We conclude that the failure to list those exhibits was simply an oversight, which does not indicate that the Hearing Board disregarded those seven exhibits.

Significantly, the Hearing Board stated, "We … have fully considered all of the evidence presented by Respondent, including his voluminous exhibits, the testimony of his witnesses, and his testimony on his own behalf. **** Based upon … our evaluation of all of the evidence presented to us, we find that … Respondent altered [the three] emails." (Hearing Bd. Report at 11-12.) (Emphasis added.) The Hearing Board clearly stated that it considered all of the evidence presented by Respondent, including his exhibits.

## SANCTION RECOMMENDATION

Respondent challenges the Hearing Board's recommendation, arguing that the appropriate sanction is a reprimand, a censure, or a suspension of no more than two months. Additionally,

Respondent argues that the Hearing Board erred in finding that Respondent's making accusations against the Administrator's Counsel constituted an aggravating factor.

The Administrator argues that the Hearing Board's recommendation is appropriate.

We review the Hearing Board's sanction recommendation based on a *de novo* standard. *See In re Storment*, 2018PR00032 (Review Bd., Jan. 23, 2020) at 15, *petition for leave to file exceptions denied*, M.R. 030336 (June 8, 2020). In making our recommendation, we consider the nature of the misconduct, and any aggravating and mitigating circumstances shown by the evidence, *see In re Gorecki*, 208 Ill. 2d 350, 360-61, 802 N.E.2d 1194 (2003), 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, and protect the administration of justice from reproach. *See In re Timpone*, 157 Ill. 2d 178, 197, 623 N.E.2d 300 (1993); *In re Discipio*, 163 Ill. 2d 515, 528, 645 N.E.2d 906 (1994). We defer to the Hearing Board's findings concerning witnesses' credibility. *See In re Timpone*, 157 Ill. 2d at 196. We also give weight to the Hearing Board's sanction recommendation because the disciplinary system relies on the Hearing Board to make rational, well-reasoned recommendations concerning discipline, consistent with precedent. *See In re Towles*, 1997PR00090 (Review Bd., Aug. 19, 1999) at 13, *petition for leave to file exceptions denied,* M.R. 16173 (Nov. 22, 1999).

In the present case, the Hearing Board provided a thoughtful and sound analysis of the facts and the law. We agree with the Hearing Board that a six-month suspension and completion of the ARDC Professionalism Seminar is the appropriate sanction. In our opinion, a six-month suspension is needed in this case to satisfy the disciplinary goals, and, above all, to deter Respondent and protect the public. We also believe that completion of the Professionalism Seminar will help Respondent understand his ethical obligations.

**Respondent's Misconduct Was Serious**

Respondent argues that a six-month suspension is unduly harsh, and the Hearing Board erred in considering Respondent's accusations against the Administrator's Counsel as an aggravating factor in this matter. We disagree. We believe that the recommended sanction properly balances the serious nature of Respondent's actions with the mitigating factors in this case and is not unduly harsh. We also agree with the Hearing Board that Respondent's baseless accusations constitute an aggravating factor.

Respondent's dishonest conduct was serious. He fraudulently closed insurance claims in three separate cases, thereby denying insurance coverage to those claimants without the approval of a supervisor. The company had a policy requiring a two-level review of the denial of claims in order to protect claimants, and Respondent intentionally violated that policy. He also avoided having a supervisor determine whether his decision to close the claims was appropriate.

Respondent created those three emails to make it falsely appear that a supervisor had approved the denial of those claims. He did so in order to conceal his actions and deceive the company and the claimants.

Respondent violated the trust placed in him by the company that he would deal fairly with claimants, and that he would conduct himself with honesty and integrity in his position as claims counsel. Additionally, in fairness to its clients, the company had to investigate Respondent's misconduct, which resulted in the expenditure of time, effort, and resources by the company.

**Aggravating Factors**

There are also significant aggravating factors in this case. Respondent denied engaging in the charged misconduct. He failed to express remorse and he claimed that the company employees framed him. Respondent also gave false and misleading testimony at the disciplinary hearing. The

Hearing Board stated, "We found Respondent's version of events to be highly implausible. We also found much of his testimony to be vague, confusing, and occasionally contradictory, and therefore not credible.…[T]he record is utterly devoid of evidence that would substantiate his claim that employees essentially framed him by making it appear as though he altered the emails in question when he did no such thing." (Hearing Bd. Report at 11.)

The Hearing Board also found that Respondent's accusations against the Administrator's Counsel – alleging that Counsel suborned perjury, and concealed Feeney's letter – were baseless, and they constitute an aggravating factor. (Hearing Bd. Report at 13.) We agree.

Respondent's accusations against the Administrator's Counsel show a profound lack of respect for the Administrator's Counsel, as well as for the Administrator and the disciplinary process. *See In re Sides*, 2020PR00047 (Review Bd. March 29, 2022) at 5, *approved and confirmed*, M.R. 031287 (Sept. 21, 2022) ("'It is a significant aggravating factor where an attorney fails to take responsibility for his or her own misconduct and instead makes inappropriate and unsubstantiated charges of misconduct against the Administrator's counsel and maligns the integrity of the disciplinary process.'") (Citation omitted.)

It seems obvious that Respondent's attacks against the Administrator's Counsel were part of his effort to avoid the consequences of his misconduct. Respondent is an experienced lawyer, who has practiced law for more than ten years, and as such, he knows better, or should know better, than to make unjustified, unsubstantiated, and untrue accusations against opposing counsel, as he did here. Thus, we conclude that the Hearing Board did not err in finding that Respondent's unfounded accusations are an aggravating factor.

Additionally, the Hearing Board recommended that Respondent be required to complete the ARDC Professional Seminar before resuming practice, in light of Respondent's antagonistic

behavior towards the Administrator's Counsel. (Hearing Bd. Report at 15.) We agree with that recommendation.

In sum, based on the serious nature of the misconduct, and the significant aggravating factors in this case, (balanced against the mitigating evidence, discussed below), we believe that a six-month suspension is needed to impress upon Respondent the seriousness of his wrongdoing.[1]

**Mitigating Factors**

Respondent argues that a reprimand, censure, or a suspension of no more than two months is warranted given the mitigating evidence in this case. We disagree.

We have carefully considered the mitigating evidence here, which is relatively limited. In our opinion, that evidence provides support for limiting the suspension to six months, rather than a longer period of time, but does not provide a basis for a shorter suspension.

In terms of mitigation, Respondent has no prior discipline, and the charged misconduct took place within a one-month period of time. Additionally, Respondent's former supervisor from McDonald's Corporation testified that he had a high opinion of Respondent and that Respondent worked diligently, was a good team member, and followed policies and procedures. (Tr. 859-870.)

The fact that Respondent had no prior discipline over a period of ten years demonstrates that Respondent has the ability to act in accordance with ethical standards in the future, if he wishes to do so. In our view, a six-month suspension will strongly motivate Respondent to practice law honestly and professionally, and we believe that it is sufficient to deter Respondent from engaging in similar misconduct in the future, without imposing a longer suspension.

**Relevant Legal Authority**

Based on our review of the authority cited by the Hearing Board and both parties, we agree with the Hearing Board that a six-month suspension, with the completion of the ARDC Professionalism Seminar, is the appropriate sanction.

***Cases cited by the Hearing Board***: In recommending a six-month suspension, the Hearing Board cited three cases, *Wylie, Loprieno,* and *Magar,* in which the attorneys created false documents. (*See* Hearing Bd. Report at 14.) We believe that those cases provide guidance here.

• In *In re* ***Wylie***, 2016PR00010, *petition to impose discipline on consent allowed*, M.R. 028350 (Feb. 3, 2017), the attorney was suspended for six months. She failed to appear at a status conference; she then lied to the court about the reason she was not there; and she fabricated documents to support her lie. She also lied to her supervisor, and she made false statements to the ARDC about the fabricated documents. In mitigation, Wylie expressed regret; she had no prior discipline; she was the sole source of support for her four siblings; she had health issues involving stress and depression at the time of the misconduct; and she agreed to discipline on consent.

• In *In re* ***Loprieno***, 2016PR00082 (Review Bd., April 27, 2018), *approved and confirmed*, M.R. 029397 (Oct. 11, 2018), the attorney was suspended for five months. Loprieno created two false documents that he used to obtain a $25,000 loan. He forged and notarized signatures on those documents. In mitigation, Loprieno acknowledged that his conduct was wrong; he cooperated with the disciplinary proceedings; he had no prior discipline; and he did *pro bono* work for his pastor.

• In *In re* ***Magar***, 1999PR00079, *petition to impose discipline on consent allowed*, M.R. 16581 (April 21, 2000), the attorney was suspended for five months for submitting a loan application, in which she falsely inflated her rental income, and falsely denied being delinquent on a mortgage. She also created two false leases to support of her statements about her rental income. She obtained a loan, which she fully repaid six months later. In mitigation, she self-reported her misconduct to the ARDC, which is a significant mitigating factor; she accepted responsibility; she was remorseful; she cooperated; and she had no prior discipline.

**Cases cited by Respondent**

Respondent argues that a reprimand, censure, or a suspension of no more than two months is warranted in this case, and he cites cases that resulted in suspensions of five months or less. *See, e.g.*, *In re Broderick*, 2022PR00053 (Review Bd., Aug. 15, 2023), *approved and confirmed*, M.R.

031917 (Feb. 7, 2024); *In re Heilgeist*, 103 Ill. 2d 453, 469 N.E.2d 1109 (1984); and *In re Phelan*, 2007PR00093, *petition to impose discipline on consent allowed*, M.R. 22566 (Sept. 17, 2008).

• In ***Broderick***, the attorney was suspended for five months. Broderick lied to the court concerning why he failed to file a motion on a timely basis, and he subsequently submitted false hospital records to support that lie. In mitigation, Broderick accepted responsibility and expressed remorse; he self-reported his misconduct to the ARDC; he was a veteran; he had serious health and financial problems; and he had no prior discipline in his 26 year career.

• In ***Heilgeist***, the attorney was suspended for three months. Heilgeist represented clients in a dispute over the construction of a building, and he created false evidence in the form of three cashier's check made payable to a construction company, in order to make it falsely appear that certain home repairs had been done. He also provided false information concerning the repairs in his answers to interrogatories. In mitigation, he had nothing to gain personally by his misconduct and he was trying to help his clients; the misconduct resulted from poor judgment; the clients were not harmed by his conduct; and he had an unblemished record after practicing law for 28 years.

• In ***Phelan***, the attorney was censured. Phelan endorsed his client's name on a check, and then falsely represented in a pleading that someone else had endorsed the client's name on that check. In mitigation, Phelan expressed remorse, cooperated, made restitution, had no prior discipline in his 30 year career, had a significant record of community service and *pro bono* work, and agreed to discipline on consent.

We find that the cases cited by Respondent are distinguishable, because the misconduct and the aggravating factors in the instant case are more significant than the misconduct and aggravating factors in the cases cited by Respondent. Additionally, there is generally less mitigating evidence in the instant case than in the cases cited by Respondent.

**Additional Cases**

We have also considered three other cases, *Posterli*, *Haasis*, and *O'Connor*, in which attorneys were suspended for creating false documents.

• In *In re* ***Posterli***, 1989PR00520 (Hearing Bd., July 19, 1990), *recommending a lower sanction*, (Review Bd., Feb. 15, 1991), *petition for leave to file exceptions allowed, and the Hearing Board's recommendation approved and confirmed*, M.R. 7407 (May 24, 1991), the attorney was suspended for six months. He created two resumes that contained false information about his work history and his academic record. He obtained a job based on one of those resumes, and the law firm included his false information in a brochure. In mitigation, he accepted responsibility, expressed remorse, cooperated, had no prior discipline, and the Hearing Board and Review Board found that he was unlikely to engage in misconduct in the future.

• In *In re* ***Haasis***, 2017PR00049, *petition to impose discipline on consent allowed*, M.R. 029011 (Dec. 4, 2017), the attorney was suspended for six months. She submitted employment applications to an employer, in which she made false representations concerning her work history, and she was hired based on those materials. In mitigation, she accepted responsibility, expressed remorse, cooperated, agreed to discipline on consent, and had no prior discipline.

• In *In re* ***O'Connor***, 2013PR00084, *petition to impose discipline on consent allowed*, M.R. 26428 (Feb. 7, 2014), the attorney was suspended for one year. He created a fake letter that appeared to be from the City of Chicago, which falsely represented that the City had settled a case with O'Connor's client concerning building code violations. O'Connor forged the signature of a City employee on the letter, and provided the letter to a title company so that his client could sell her house. He was convicted of the crime of deceptive practices, a misdemeanor. In mitigation, he accepted responsibility and expressed remorse; he had no prior discipline; and he was active in charitable organizations and his church.

We believe that *Posterli*, *Haasis*, and *O'Connor* are similar to the present case, and provide additional guidance concerning the appropriate sanction in this case, although *O'Connor* involved more serious misconduct, including forgery, which resulted in a more serious sanction.

A six-month suspension falls within the range of sanctions imposed in the cases discussed above. We believe that a six-month suspension is commensurate with Respondent's misconduct and consistent with discipline that has been imposed for comparable misconduct.

## CONCLUSION

For the foregoing reasons, we recommend that Respondent be suspended for six months, and until he completes the ARDC Professionalism Seminar. We conclude that the recommended sanction will serve the goals of attorney discipline, including deterring Respondent, protecting the public, and preserving public confidence in the legal profession.

Respectfully submitted,

Bradley N. Pollock
Michael T. Reagan
David W. Neal

## 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 October 30, 2024.

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

4868-5077-6564, v. 1

[1] We recognize that a suspension of six months will trigger the obligation to comply with Supreme Court Rule 764, which mandates that attorneys who are suspended for six months or more must take certain actions, including providing notice of their discipline to clients, courts, and others. We have considered this issue in making our recommendation. We believe that requiring Respondent to comply with Rule 764 is appropriate given the serious and dishonest nature of Respondent's misconduct and the aggravating factors in this case, and we do not view Rule 764 as a basis for imposing a lower sanction here.

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

| | |
|---|---|
| In the Matter of:<br><br>**EDDY COPOT,**<br><br>Respondent-Appellant,<br><br>No. 6312581. | Commission No. 2022PR00036 |

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

I, Michelle M. Thome, hereby certify that I served a copy of the Report and Recommendation of the Review Board on Respondent-Appellant listed at the address shown below by e-mail service on October 30, 2024, at or before 5:00 p.m. At the same time, a copy was sent to Counsel for the Administrator-Appellee by e-mail service.

Eddy Copot
Respondent-Appellant
copotlaw@outlook.com

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.

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

4868-5077-6564, v. 1

FILED

October 30, 2024

ARDC CLERK