

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

FILED
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ARDC Clerk

In the Matter of:

MICHAEL LEONARD LOPRIENO,

Attorney-Respondent,

No. 6303853.

Commission No. 2019PR00101

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Scott Renfroe, pursuant to Supreme Court Rule 753(b), complains of Respondent Michael Leonard Loprieno, who was licensed to practice law in Illinois on December 1, 2010, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

COUNT I
(Creation of False Document)

1. In October 2013, Respondent was looking to hire an attorney who practiced in the area of estate planning to prepare documents for Respondent's paternal grandmother, Felicia Loprieno. By email message dated October 23, 2013, attorney Konstantine "Gus" Sparagis referred Respondent to attorney Ted A. Koester of the Chicago law firm known as Lawrence, Kamin, Saunders & Uhlenhop, LLP. That same day, Mr. Koester sent Respondent an email message that attached an estate planning information worksheet that he asked Respondent to complete before contacting him to arrange a mutually-convenient time to meet. The bottom of Mr. Koester's message, and all other email messages he sent to Respondent, included a logo containing the name of his law firm.

2. On October 31, 2013, Respondent replied to Mr. Koester's email message. Respondent's message included an attachment listing his grandmother's assets and containing financial statements for two annuities, one with Jackson National Life Insurance Company that was held in Felicia Loprieno's name and the other with the Lincoln Financial Group that was held in the name of Felicia Loprieno as trustee of the Joseph Loprieno Family Trust. In his message, Respondent asked Mr. Koester whether those annuities could be shielded from creditors, and also asked Mr. Koester to telephone him. Mr. Koester attempted to do so, and left a message for Respondent, but the two did not speak that day.

3. At the time of Respondent's contacts with Mr. Koester, Respondent and members of his family owed a business that was then losing substantial sums of money, and Respondent was concerned about shielding the family's assets from claims arising from the business's activities.

4. On November 4, 2013, Mr. Koester sent Respondent an email message that asked for additional information about the annuities and the family trust, including the identity of the trust beneficiaries. The message also provided advice about creating an irrevocable trust or a family corporation, and asked Respondent to arrange a meeting between Mr. Koester and Felicia Loprieno.

5. Respondent sent Mr. Koester two email messages on November 5, 2013. With the first of those messages, Respondent included a document that purported to be a "Fourth Amendment to the Joseph Loprieno Declaration of Trust Dated December 17, 1993," and stated that the documents had been drafted to create a family trust upon his grandfather's death. In the second email message, Respondent provided Mr. Koester with information about the identity of the beneficiaries of the two annuities referred to in paragraph two, above.

6. After November 5, 2013, Mr. Koester and Respondent later exchanged telephone messages, but they never met, nor did Mr. Koester ever meet with Felicia Loprieno or prepare any estate planning documents for Respondent or any member of his family.

7. On March 20, 2018, Respondent attempted to contact Mr. Koester by telephone, and left a message asking for a return call in which he falsely stated that Mr. Koester had previously prepared an amendment to a family trust for Respondent's family, and that Respondent may need another amendment to be prepared. On March 25, 2018, Respondent sent Mr. Koester an email message explaining the actions he wanted taken on Felicia Loprieno's behalf. Mr. Koester then replied that he had no record of ever having completed any previous work for Felicia Loprieno or for Respondent.

8. On April 1, 2018, Respondent sent Mr. Koester an email message that included various attachments, one of which purported to be a February 13, 2014 letter from Mr. Koester to Felicia Loprieno (in care of Respondent), on purported law firm letterhead stationery, that stated:

Mike:

Per our conversation, following is the fifth amendment of your grandma's trust, which now identifies the trust as irrevocable and identifies the spendthrift clause.

Thank you.

/s/

Ted Koester

Partner

L, K, S, & U

Respondent affixed Mr. Koester's purported signature to the letter, without authority, and created the purported letterhead by copying and pasting the logo at the bottom of one of Mr. Koester's 2013 email messages to him.

9. Also attached to Respondent's April 1, 2018 email message to Mr. Koester was a document that purported to be the "Fifth Amendment to the Felicia Loprieno Declaration of Trust Dated December 17, 1993." That document, which falsely stated that it had been prepared

by Mr. Koester, also stated that the title of the trust was being changed to “The Felicia Loprieno Declaration of Irrevocable Trust Dated December 17, 1993” and contained a new provision providing that any payments from the trust to beneficiaries “shall not be transferrable by the voluntary or involuntary acts of any beneficiaries or by operation of law and shall not be subject to any obligation of any beneficiary.”

10. Respondent fabricated both of the documents described in paragraphs eight and nine, above, in an effort to create the false impression that Mr. Koester had prepared an amendment to Felicia Loprieno’s trust in 2014.

11. Respondent’s preparation of the documents was false, because they sought to create the false impression that Mr. Koester, and not Respondent, had prepared them.

12. Respondent knew that the documents were false, because he knew that he, and not Mr. Koester, had created them.

13. 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 the fabrication of documents and the signing of Ted Koester’s name to a purported letter without authority, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct.

COUNT II

(False Statement to Disciplinary Authority)

14. By letter dated April 16, 2018, Mr. Koester reported Respondent’s fabrication of documents bearing his name to the Administrator, and the Administrator later initiated an investigation into Respondent’s conduct. As part of that investigation, counsel for the Administrator sent Respondent a letter asking him to respond to Mr. Koester’s allegations.

15. By letter dated May 17, 2018, Respondent replied to counsel for the Administrator's request for information. In that letter, respondent stated, in part:

....I did not create any false documents using Mr. Koester's name or firm name....

Next, as it pertains to documentation containing Mr. Koester's name and firm name, I had no idea whatsoever that the documents within my grandmother's possession were not authentic. I am the one who sent the documents to Mr. Koester. I obviously had no inclination that the documents were not genuine. I followed up with Mr. Koester several times and asked him if he was certain the documents did not come from him or his firm in some way. I clearly believed the documents to be genuine until Mr. Koester insisted they were not.

I did correspond with Mr. Koester previously in 2013 regarding him potentially doing some work for my grandmother, but again, I did not falsely create any documents bearing Mr. Koester's name.

16. Respondent's statements concerning the authenticity of the documents and his role in their creation were false, because Respondent, and not Mr. Koester prepared the documents described in paragraphs eight and nine, above.

17. Respondent knew that the statements contained in his May 17, 2019 letter to counsel for the Administrator were false, because he knew that he had created the documents that were the subject of that letter.

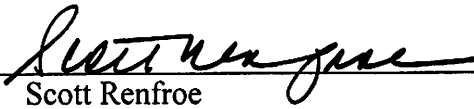
18. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. knowingly making a false statement of material fact to a disciplinary authority, by conduct including falsely denying his involvement in creating documents purporting to have been drafted by Ted Koester, in violation of Rule 8.1(a) of the Illinois Rules of Professional Conduct; and
- b. conduct involving dishonesty, fraud, deceit or misrepresentation, by conduct including falsely denying his involvement in creating documents purporting to have been drafted by Ted Koester, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct.

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 facts and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

By: 
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