

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

FILED  
6/26/2020 11:32 AM  
ARDC Clerk

In the Matter of: )  
 )  
MICHAEL LEONARD LOPRIENO, )  
 ) Commission No. 2019PR00101  
Attorney-Respondent, )  
 )  
 )  
No. 6303853. )

**ANSWER TO COMPLAINT**

NOW COMES Respondent, Michael Leonard Loprieno, representing himself, and for his Answer to the Administrator’s Complaint, states as follows:

**RESPONDENT’S STATEMENT PURSUANT TO COMMISSION RULE 231**

In addition to the Illinois Bar, Respondent, under his current name, was admitted in the United States District Court for the Northern District of Illinois in 2012, the United States District Court for the District of South Carolina in 2013, the Florida Bar on a pro hac vice basis in 2014, the United States District Court for the Eastern District of Missouri in 2017, and the California Bar on a pro hac vice basis in 2019.

Additionally, Respondent, under his current name, previously held his Illinois real estate salesperson license from 2006 to 2007 and his Illinois real estate broker license from 2007 to 2012.

**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.

**ANSWER: Respondent admits the allegations contained within Paragraph 1 of the Complaint insofar as the alleged correspondence did take place between himself and Mr. Sparagis and Mr. Koester, and further answers in stating that all direction taken in the communication with Mr. Sparagis and Mr. Koester was at the direction of Respondent's grandmother. Respondent lacks information to admit or deny the assertion that all messages and emails from Mr. Koester included a logo of Mr. Koester's 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 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.

**ANSWER: Respondent admits the allegations contained within Paragraph 2 of the Complaint.**

3. At the time of the Respondent's contacts with Mr. Koester, Respondent and

members of his family owed [sic] 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.

**ANSWER: Respondent denies the allegations contained within Paragraph 3 of the Complaint.**

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 advise about creating an irrevocable trust or a family corporation, and asked Respondent to arrange a meeting between Mr. Koester and Felicia Loprieno.

**ANSWER: Respondent admits the allegations contained within Paragraph 4 of the Complaint.**

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.

**ANSWER: Respondent admits the allegations contained within Paragraph 5 of the Complaint.**

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.

**ANSWER: Respondent admits the allegations contained within Paragraph 6 of the Complaint, and further answers in stating that while he is aware as of the date of the filing of this Answer that Mr. Koester did not prepare any estate planning documents for his grandmother, he was not aware of such prior to the March 2018 correspondence with Mr. Koester.**

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 he had no record of ever having completed any previous work for Felicia Loprieno or for Respondent.

**ANSWER: Respondent admits the allegations contained within Paragraph 7 of the Complaint.**

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.

**ANSWER: Respondent admits the allegations contained within Paragraph 8 of the Complaint only insofar as Respondent did send the referenced email; however, Respondent denies that he affixed Mr. Koester's purported signature to the letter and created the letterhead. Respondent further answers in stating that he now knows that the referenced documents were not genuine but clearly did not know at the time of the sending the above referenced email given that he was the one who brought the documents to Mr. Koester's attention. Respondent has consistently maintained that he has no recollection of any document creation associated with Mr. Koester, and for this reason must deny any allegation stating that he created these documents.**

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."

**ANSWER: Respondent admits the allegations contained within Paragraph 9 of the Complaint only insofar as Respondent did send the referenced attached document; however, Respondent denies any allusion, if one exists, that he created the attachment. Respondent retrieved the attachment, and the letter referenced in Paragraph 8 of the Complaint, from his grandmother's safe, which he did not have access to and could only**

**gain access to by asking his grandmother for the key to it.**

10. Respondent fabricated both of the documents described in paragraph 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.

**ANSWER: Respondent denies the allegations contained within Paragraph 10 of the Complaint.**

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.

**ANSWER: Respondent denies the allegations contained within Paragraph 11 of the Complaint.**

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

**ANSWER: Respondent denies the allegations contained within Paragraph 12 of the Complaint, and further answers in stating that as referenced above, Respondent did not know that Mr. Koester did not create the referenced documents.**

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 document and 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.

**ANSWER: Respondent denies the allegations contained within Paragraph 13(a) of the Complaint.**

**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.

**ANSWER: Respondent admits the allegations contained within Paragraph 14 of the Complaint only insofar as Mr. Koester did address a letter to the Administrator; however, Respondent denies any allegation that alludes to the letter directly stating that Respondent fabricated the subject documents. The explicit language of the letter does not say as such, and the letter does speak for itself.**

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.

**ANSWER: Respondent admits the allegations contained within Paragraph 15 of the Complaint.**

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.

**ANSWER: Respondent denies the allegations contained within Paragraph 16 of the Complaint.**

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

**ANSWER: Respondent denies the allegations contained within Paragraph 17 of the Complaint.**

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.

**ANSWER: Respondent denies the allegations contained within Paragraphs 18(a) and 18(b) of the Complaint.**

**WHEREFORE**, the Respondent respectfully requests that an evidentiary hearing be conducted on the Administrator's Complaint filed in this action, the Respondent's Answer, and any motions filed; and that following the hearing, the Hearing Board make such findings of fact and conclusions of law that are supported by the record, and thereafter, that the Hearing Board recommend an appropriate disposition of the Administrator's Complaint.

Dated: June 26, 2020

Respectfully Submitted,

MICHAEL LOPRIENO

By: /s/Michael Loprieno  
Attorney Pro Se

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**CERTIFICATE OF SERVICE**

I, Michael Loprieno, an attorney, hereby certify that on June 26, 2020, I served the  
Foregoing Answer on the Clerk of the Commission via e-filing and also via regular mail sent to:

Clerk of the Commission  
ARDC  
130 E. Randolph Street  
# 1500  
Chicago, IL 60601

/s/Michael Loprieno  
Michael Loprieno