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

FILED

May 03, 2022

ARDC CLERK

In the Matter of: RICHARD MICHAEL RUGGIERO, Attorney-Respondent, No. 6211359.	Commission No. 2021PR00078

AMENDED COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Richard Gleason, pursuant to Supreme Court Rule 753(b), complains of Respondent, Richard Michael Ruggiero ("Respondent"), who was licensed to practice law in Illinois on November 5, 1992, and alleges that Respondent has engaged in the following conduct, which subjects her to discipline pursuant to Supreme Court Rule 770:

COUNT I
(*Theft of $291,844.28*)

1. At all times alleged in this complaint, Respondent was the sole owner of The Ruggiero Law Group, LLC in Oak Park, and was the sole attorney operating and providing services as part of that entity. Respondent's practice focused on residential real estate matters.

2. On September 19, 2003, Respondent's aunt, Lena De Benedetto ("Ms. De Benedetto"), executed a trust that she named the Lena De Benedetto Revocable Living Trust, which was later amended through a First Amendment on November 1, 2005, and a Second Amendment on September 30, 2011 ("the Trust"). Respondent was not involved in the preparation of the Trust.

3. The Trust named Ms. De Benedetto's sister and brother as trustees of the Trust. The

Trust named Respondent as a successor trustee, meaning that if no other individuals referenced in the Trust were able or willing to act as trustee, Respondent would become trustee.

4. According to its terms, the purpose of the Trust was first to direct the sale of Ms. De Benedetto's condominium located at 4655 North Cumberland Avenue ("the Property"), and then to distribute the proceeds from the Property sale to her adult son, Robert A. De Benedetto, in monthly installments of up to $1,500 each month.

5. The Trust further provided for distributions to Ms. De Benedetto's son to terminate either when the funds were exhausted, or upon the death of Ms. De Benedetto's son, whichever occurred first.

6. The Trust further provided that if Ms. De Benedetto's son died before the funds of the trust were exhausted, that the trustee was to distribute the remaining principal and all accrued or undistributed net income of the trust in equal share to the following four charities: The American Heart Association, the Lupus Foundation, the Pacific Garden Mission, and the Shriners' Hospital for Children ('the Charities").

7. The trustees of the Trust, described in paragraph three, above, predeceased Ms. De Benedetto. Ms. De Benedetto died on December 30, 2017. Respondent subsequently became successor trustee of the Trust.

8. Ms. De Benedetto's son died on August 24, 2018.

9. By the terms of the Trust, the Charities were beneficiaries of the Trust, and as successor trustee, Respondent owed the beneficiaries the duty to ensure that the Trust's assets were distributed to them, and not to use those assets for his own purposes. Respondent did not notify the Charities that they had been named beneficiaries of the will.

10. On or about February 22, 2019, Respondent opened an account at Parkway Bank

with an account number ending in 7244 ("Account 7244"). The title of the account was "Lena De Benedetto Rev LIV Tr Dtd 9-19-03 Richard M Ruggiero Successor Trustee." Respondent was the sole signatory on the account.

11. On March 1, 2019, Respondent transferred $49,740.69 into Account 7244.

12. The Trust sold the Property on May 14, 2019 for $250,000. The closing occurred at Stewart Title, and Respondent acted as an attorney in representing the Trust at the closing. On May 17, 2019, at Respondent's direction, Stewart Title wired the net proceeds of the sale, $213,440.76, to account 7244. Respondent did not notify the Charities that the condominium had sold, or that sale proceeds had been deposited into the Trust's account.

13. Between April 8, 2019 and December 22, 2020, Respondent wrote 64 checks to himself on Account 7244, totaling $260,644.28, which he later negotiated, using the proceeds for his own business or personal purposes. On each of the checks, Respondent wrote "trustee's fees" or "trustee's fees/misc."

14. After Respondent wrote the last check referenced in paragraph 13, above, the balance in Account 7244 was $370.72. As of December 22, 2020, Respondent had used $260,644.28 of the Trust's funds for his own personal or business purposes, without notice to, or authority from, and of the beneficiaries of the Trust.

15. On May 22, 2000, Lena DeBenedetto purchased a certificate of deposit in the amount of $20,000 from First Midwest Bank, with the last four digits of the account number being 9351 ("the CD"). The CD was renewable every 12 months, and was titled in the name of Ms. De Benendetto's trust, as described in paragraph two, above.

16. On January 4, 2021, Respondent executed an amended signature card for the CD in which he removed Ms. De Benedetto and added himself as signatory on the account. On January

12, 2021, Respondent redeemed the CD and withdrew the entire balance of $31,268.96. On the same day, Respondent opened a new account at First Midwest Bank with an account number ending in the last four digits 1448 ("Account 1448"). The title of the account was "Lena De Benedetto Rev LIV Tr Dtd 9-19-03 Richard M Ruggiero Successor Trustee." Respondent was the sole signatory on the account.

17. Later that same day, January 12, 2021, Respondent deposited the entire $31,268.96 balance of the redeemed CD, described in paragraph 16, above, into Account 1448. Between January 28, 2021 and May 21, 2021, Respondent wrote eight separate checks to himself on Account 1448 totaling $31,200. On each of the checks, Respondent wrote "trustee fees/misc" or "trustee misc" on the memo line.

18. After Respondent wrote the last check described in paragraph 17, above, the balance in account 1448 was $68.96. As of May 26, 2021, Respondent had used $292,844.28 of the Trust's funds for his own personal or business purposes, without notice to, or authority from, and of the beneficiaries of the Trust.

19. Respondent had not performed sufficient services for the Trust that would entitle him to take all of its assets as a fee and did not notify any of the charities that he was taking the Trust's assets for his own purposes or obtain their authority to do so.

20. As of the date this complaint was filed, Respondent had not made any distribution to the American Heart Association, the Lupus Foundation, the Pacific Garden Mission, or the Shriners' Hospital for Children, as required under the terms of the Trust, and as discussed in paragraph six, above. Since April of 2019, when the American Heart Association and the Shriners Children's Hospital first learned they were beneficiaries of the trust, the American Heart Association and the Shriners Children's Hospital repeatedly asked Respondent to provide an

accounting of the assets of the trust. As of the date of the filing of this complaint, Respondent has not provided an accounting of the assets of the trust.

21. At the time Respondent used those funds, Respondent knew that he was using the funds for his own personal or business purposes, and, in doing so, he acted dishonestly.

22. 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 knowingly using a total of $291,844.28 of the Trust's funds for his own personal or business purposes, without authority, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

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

Respectfully Submitted

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

By: ____/s/ *Richard Gleason*______
Richard Gleason

Richard Gleason
Counsel for the Administrator
130 East Randolph Drive, Suite 1500
Chicago, Illinois 60601
Telephone: (312) 565-2600
Email: rgleason@iardc.org
Email: ARDCeService@iardc.org