

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

In the Matter of:)
)
ANDREW FRANKLIN,)
) Commission No. 2022PR00087
Attorney- Respondent,)
)
No. 6320628.)

NOTICE OF FILING

TO: Adrian M. Vuckovich - av@cb-law.com
Kathryne Hayes - khayes@cb-law.com
Counsel for Respondent
Collins Bargione & Vuckovich
1 N. LaSalle Street, Ste. 300
Chicago, IL 60602-3946

PLEASE TAKE NOTICE that on March 8, 2023, an electronic copy of the Administrator’s AMENDED COMPLAINT, was submitted to the Clerk of the Attorney Registration and Disciplinary Commission in Chicago, Illinois for filing. On that same date, a copy was served on Counsel for Respondent via e-mail at av@cb-law.com and khayes@cb-law.com on or before 4:00 p.m.

Respectfully submitted,

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ Evette L. Ocasio
Evette L. Ocasio

Evette L. Ocasio
Counsel for Administrator
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FILED
3/8/2023 10:43 AM
ARDC Clerk

PROOF OF SERVICE

The undersigned, an attorney, hereby certifies, pursuant to the Illinois Code of Civil Procedure, 735 ILCS 5/109, that the Administrator served a copy of the Notice of Filing and Administrator's AMENDED COMPLAINT on Counsel for Respondent via email at av@cb-law.com and khayes@cb-law.com on March 8, 2023 at or before 4:00 p.m.

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.

By: /s/ Evette L. Ocasio
Evette L. Ocasio

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In the Matter of:)
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 ANDREW FRANKLIN,)
) Commission No. 2022PR00087
 Attorney- Respondent,)
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 No. 6320628.)

AMENDED COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Evette L. Ocasio, pursuant to Supreme Court Rules 753 and 761(c), complains of Respondent, Andrew Franklin, who was licensed to practice law in Illinois on November 10, 2015, and alleges that Respondent has engaged in the following conduct which subjects Respondent to discipline pursuant to Supreme Court Rule 770:

COUNT I
(Unlawful Possession of a Controlled Substance)

1. At all times related to this complaint, Respondent resided in Chicago and worked, at most times throughout his legal career, as an associate or a contract attorney at various law firms in the Chicago area.
2. In or about 2019, Respondent used a fake South Carolina driver’s license to rent a United States post office box (“PO box”) in Chicago, Illinois, under the name “Joseph Borrel.”
3. Beginning in 2019, Respondent began acquiring ecstasy pills (MDMA) on the dark web. Respondent would purchase the pills using cryptocurrency and have the package shipped to Joseph Borrel at the PO box. Generally, there would be approximately 10 days between

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Respondent placing an order and receiving the package. After obtaining the pills, Respondent would then sell them to a known dealer for a net profit of approximately \$5,000 per transaction.

4. Between 2019 and October 2020, Respondent ordered ecstasy pills from the dark web approximately 15 times, and with each transaction Respondent kept no more than 10 pills.

5. On or about October 13, 2020, Cook County Sheriff Investigator John Riggio was notified that a Customs and Border Protections Officer at the O'Hare International Airport Foreign Mail Unit conducted a border search on a parcel from Great Britain, and addressed to Joseph Borrel at a P.O. box in Chicago, Illinois. Upon examination, the parcel contained a vacuum sealed bundle of approximately 424 gray "Grimm Reaper" pills, suspected to be ecstasy (MDMA). Subsequent field tests were conducted and it was determined the pills were positive for MDMA.

6. On October 22, 2020, Judge Timothy Chambers signed an anticipatory search warrant and orders for a GPS and alarming devices to be installed on the parcel.

7. On October 23, 2020, investigators were alerted that Respondent had retrieved the parcel from the PO box. Investigators followed Respondent's vehicle to a parking garage. Shortly thereafter, investigators received an alert from the alarming device, notifying them that the parcel had been opened. As an investigator approached the rear of Respondent's vehicle, they observed Respondent with a bundle of pills in his hand and the open parcel in the trunk. Respondent was then arrested.

8. On December 18, 2020, the Cook County State's Attorney's Office filed a bill of indictment in the Circuit Court of Cook County charging Respondent with unlawful possession with the intent to deliver a controlled substance and unlawful possession of a controlled substance, arising out of his arrest on October 23, 2020. Count I of the indictment charged Respondent with knowingly possessing with the intent to distribute 200 or more pills, but less than 600 pills of

MDMA, a Class X felony, in violation of 720 ILCS 570/401(a)(7.5)(B)(ii). Count II of the indictment charged Respondent with knowingly possessing with the intent to distribute 200 or more pills, but less than 600 pills of MDMA, a Class X felony, in violation of 720 ILCS 570/401(a)(7.5)(A)(ii). Count III of the indictment charged Respondent with knowingly possessing 200 or more pills, but less than 600 pills of MDMA, a Class 1 felony, in violation of 720 ILCS 570/402(a)(7.5)(B)(ii). Count IV of the indictment charged Respondent with knowingly possessing 200 or more pills, but less than 600 pills of MDMA, a Class 1 felony, in violation of 720 ILCS 570/402(a)(7.5)(A)(ii). The matter was docketed as the *People of the State of Illinois v. Andrew Franklin*, case number 21 CR 0001601.

9. On or about May 25, 2022, following plea negotiations between Respondent's counsel and the Cook County State's Attorney's Office, Count IV of the indictment was amended to a Class 4 felony for possession of a controlled substance, in violation of 720 ILCS 570/402(c). On that date, Respondent entered a plea of guilty to the amended Count IV of the indictment. The Cook County State's Attorney's Office entered a *nolle prosequi* to Counts I, II, and III, dismissing those counts of the indictment.

10. At all times alleged in this complaint, 720 ILCS 570/401 provided, in part, that it is unlawful for any person to knowingly possess with intent to manufacture or deliver a controlled substance.

11. At all times alleged in this complaint, 720 ILCS 570/402 provided, in part, that it is unlawful for any person to knowingly possess a controlled substance.

12. On May 25, 2022, Judge Neera Walsh sentenced Respondent to 24 months of probation, pursuant to 720 ILCS 570/410, which provides that if Respondent completes his probation without incident, the court shall discharge Respondent and dismiss the proceedings

against him. The statute further provides that a disposition of probation is a conviction for purposes of imposing the conditions of probation and for appeal. Respondent was also ordered to undergo a mental health assessment and treatment, ordered to perform 30 hours of community service, and required to submit to random drug testing.

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

- a. committing criminal acts that reflect adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, by conduct including possessing with the intent to distribute 200 or more pills, but less than 600 pills, of MDMA, in violation of Illinois Statutes 720 ILCS 570/401(a)(7.5)(B)(ii) and 720 ILCS 570/401(a)(7.5)(A)(ii); possession of a controlled substance in the form of 200 or more pills, but less than 600 pills, of MDMA, in violation of Illinois Statutes 720 ILCS 570/402(a)(7.5)(B)(ii), 720 ILCS 570/402(a)(7.5)(A)(ii); and possession of a controlled substance, in violation of Illinois Statute 720 ILCS 570/402(c), and in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010); and
- b. conduct involving dishonesty, fraud, deceit or misrepresentation, by conduct including using a fake driver's license to rent a U.S. post office box under a fictitious name in order to conceal his receipt of illegal drugs, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator respectfully 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/ Evette L. Ocasio
Evette L. Ocasio

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