

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

FILED

December 17, 2024

ARDC CLERK

In the Matter of:

HYUN WOONG SHIN,

Attorney-Respondent,

No. 6230265.

Commission No. 2024PR00079

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission, by her attorneys, Scott Renfroe and Kate E. Levine, pursuant to Supreme Court Rule 753(b), complains of Respondent, Hyun Woong Shin, who was licensed to practice law in the State of Illinois on November 9, 1995, and alleges that Respondent has engaged in the following conduct that subjects him to discipline pursuant to Supreme Court Rule 770:

(Lack of Diligence and Dishonesty in an Eviction Matter)

1. On or about July 10, 2023, Respondent met with Pasquale Lavorgna and his son, Antonio Lavorgna, and Respondent and the Lavorgnas agreed that Respondent would represent them in the filing of an eviction matter in the Circuit Court of Cook County (“Circuit Court”) against Elvis Matos and unknown occupants who were residing in a rental property located on Octavia Street in Chicago (“Octavia property”), which was owned by Pasquale Lavorgna, Antonio Lavorgna, another son of Pasquale named Bartolomeo (“Bart”) Lavorgna, and a friend, Pietro Cavataio. Respondent told Pasquale Lavorgna and Antonio Lavorgna that the cost for his legal services would be a flat fee of \$3,500, and he accepted \$1,800 from the Lavorgnas to begin the eviction process. Antonio Lavorgna gave Respondent the documents he requested to file a

complaint, and all parties agreed that Bart Lavorgna would be designated as plaintiff in the lawsuit and be the person with whom Respondent would be expected to communicate.

2. On August 2, 2023, Respondent submitted for electronic filing with the Clerk of the Circuit Court an eviction complaint against the tenants of the Octavia property. On August 3, 2023, the electronic filing was rejected by the Clerk because Respondent had failed to enter data for the second defendant (i.e., the unknown occupants) prior to submitting the complaint for filing, and the Clerk sent an email to Respondent providing the reason why the filing had been rejected. Thereafter, Respondent received the rejection email from the Clerk. After August 3, 2023, Respondent did not attempt to re-file the complaint.

3. Between early August 2023 and early December 2023, Bart Lavorgna and Respondent were in regular communication concerning the eviction matter. In early August 2023, Respondent told Bart Lavorgna that he had electronically filed with the Clerk the eviction complaint against the tenants of the Octavia property.

4. Respondent's statement to Bart Lavorgna as described in paragraph three above was false, because although Respondent had submitted the complaint for electronic filing, Respondent received an email from the Clerk the next day that the filing had been rejected due to Respondent's failure to input necessary information during the filing process, and at no time did he attempt to re-file the complaint.

5. Respondent knew that the statement he made to Bart Lavorgna as set forth in paragraph three above was false at the time he made it because he had received the Clerk's email rejecting the complaint and he did not attempt to re-file the complaint thereafter.

6. Between early August 2023 and early December 2023, Respondent made the following additional statements to Bart Lavorgna via telephone:

- a. That the Cook County Sheriff (“sheriff”) was attempting to serve the defendant, Matos, with the filed eviction documents;
- b. That the sheriff was unable to serve Matos, and Respondent would have to request approval of a judge to hire a private investigator;
- c. That the judge had approved hiring a private investigator, but the private investigator also had been unsuccessful in serving Matos; and
- d. That Respondent would go back to court to ask the judge to move directly to an eviction after publicly posting notice of the eviction in a newspaper.

7. Respondent’s statements to Bart Lavorgna as described in paragraph six above were false because Respondent had not properly filed a complaint in the eviction matter and therefore no case existed that would allow Respondent to take the actions he described to Bart Lavorgna.

8. Respondent knew the statements he made to Bart Lavorgna as set forth in paragraph six above were false at the time he made them, because he knew that the Clerk had rejected his attempt to electronically file the complaint and that no eviction case was pending, no judge had been assigned to the case, and no sheriffs or private investigators were attempting to serve the complaint.

9. In or about December 2023, Antonio Lavorgna became suspicious of Respondent’s representations to Bart Lavorgna regarding Respondent’s purported actions in the eviction matter. Antonio Lavorgna contacted Cook County Sheriff Colin Luce, who handled eviction matters. Sheriff Luce told Antonio Lavorgna that he could not locate in his system any record of an eviction case filed by Respondent relating to the Octavia property.

10. On January 4, 2024, Bart Lavorgna sent Respondent a text message requesting that Respondent provide him with the case number for the Octavia property eviction matter. On January 10, 2024, in response to the text message, Respondent provided to Bart Lavorgna a copy of a “Filing Submitted” receipt from the Clerk of the Circuit Court dated August 2, 2023, and a

complaint for forcible entry and detainer with the purported case number 23 M1 0215 handwritten by Respondent on the document. Respondent also sent Bart Lavorgna a text message that said, “Elite Process Serving,” in an attempt to make the Lavorgnas believe that he had hired that process server to serve Matos with the eviction complaint.

11. The filing receipt that Respondent sent to Bart Lavorgna as referred to in paragraph 10 above was false and misleading, in that Respondent failed to inform Bart Lavorgna that the attempted filing had been rejected by the Clerk of the Circuit Court and that he had never attempted to re-file the complaint. Additionally, Respondent fabricated the case number that he placed upon the eviction complaint and sent to Bart Lavorgna as referred to in paragraph 10 above in an attempt to prove that he had filed the eviction matter. Moreover, Respondent had not hired Elite Process Serving to serve Matos with the complaint.

12. Respondent knew that the case number on the complaint he provided to Bart Lavorgna as described in paragraph 10 above was false, and that his messages to Bart Lavorgna with the filing receipt and the name of a process server were misleading, as no case had been filed on Bart Lavorgna’s behalf and no case number had been assigned to the complaint. Respondent created a fictitious case number and sent Bart Lavorgna the filing receipt and the name of the process server as described in paragraph 10 above for the purpose of deceiving Bart Lavorgna into believing that an eviction matter had been filed on his behalf when no such matter had been filed.

13. In or about January 2024, Antonio Lavorgna telephoned the Clerk of the Circuit Court to obtain information regarding the eviction matter and learned that the case number identified on the copy of the complaint Respondent sent to Bart Lavorgna was not an accurate case number and that the Clerk had no record of an eviction proceeding filed by Respondent

relating to the Octavia property. Thereafter, the Lavorgnas and Mr. Cavataio hired a new attorney to file the eviction matter.

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

- a. failing to act with reasonable diligence and promptness in representing a client by conduct including failing to file an eviction matter on behalf of Bart Lavorgna in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation by conduct including repeatedly and knowingly making false statements about the status of Bart Lavorgna's eviction matter, during the period from July 10, 2023, through January 2024, both by stating that he had filed the matter and by providing Mr. Lavorgna with false updates on the case and by sending Mr. Lavorgna a complaint with a false case number and a misleading filing receipt, as described in paragraphs three through 10 above, 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,

Lea S. Gutierrez, Administrator
Attorney Registration and
Disciplinary Commission

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