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

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| In the Matter of:<br><br>JOHN CHARLES CLAVIO,<br><br>Attorney-Respondent,<br><br>No. 6239150. | Commission No. 2026PR00057 |

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission, by her attorney, Richard Gleason, pursuant to Supreme Court Rule 753(b), complains of Respondent, John Charles Clavio, who was licensed to practice law in Illinois on May 8, 1997, and alleges that Respondent has engaged in the following conduct which subjects Respondent to discipline pursuant to Supreme Court Rule 770:

COUNT I
(*Ordering a Nonlawyer to Sign and File a Document with the Secretary of State on behalf of D.B. without Authority*)

1. Since 2018, Respondent has been a partner with one other attorney at the law firm Clavio, Van Ordstrand and Associates, LLP, located in Frankfort. Respondent practices primarily in the areas of real estate, probate and estate planning, and corporate transactional matters.

2. In June or July 2024, an individual with the initials "D.B." discussed purchasing a firearms training business with its owners, two individuals with the initials "J.P." and "S.P." In July or August 2024, the parties executed a letter of intent, which documented the aspects of the planned sale of the business. After the parties executed the letter of intent, D.B hired a lawyer

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named Sean Robertson to represent him in matters relating to the anticipated sale, and Respondent agreed to represent J.P. and S.P. in connection with the transaction.

3. The parties scheduled the closing date for August 22, 2024, and Respondent agreed to act as the escrow agent for the closing. On August 22, 2024, D.B. wired $13,439.27 to the Clavio Van Ordstrand and Associates LLC Client Trust Account ("Client Trust Account") to be held in escrow until the sale was completed. On or around that same date, J.P. and S.P. provided Respondent with a copy of the business's customer list. The sale did not close on August 22, 2024, in part because an asset purchase agreement had not been executed by the parties.

4. As of August 29, 2024, the sale of the business had not closed, and Mr. Robertson informed Respondent that D.B. wished to cancel the sale because J.P. and S.P. misrepresented the number of customers on the customer list. Again on September 13, 2024, Mr. Robertson emailed Respondent that D.B. wished to cancel the transaction and wanted the escrowed funds returned to him.

5. Notwithstanding the fact that neither D.B. nor Mr. Robertson had confirmed to Respondent agreement that the sale of the business had closed, on or around November 8, 2024, Respondent caused to be filed with the Illinois Secretary of State a form LLC-5.25 on behalf of the business. Form LLC-5.25 was entitled "Illinois Limited Liability Company Act Articles of Amendment" ("Articles of Amendment Form"). In the form, Respondent caused J.P. and S.P. to be withdrawn as the business's managers, and added D.B. as the new manager for the business.

6. Respondent did not notify D.B. or Mr. Robertson that he intended to file the form, or that he would cause D.B. to be listed on the form as the business's new manager, nor did Respondent have authority from either D.B. or Mr. Robertson to add D.B.'s name to the form as the business's purported manager.

7. On or around December 12, 2024, Respondent directed a legal assistant in his office with the initials "O.R." to complete and electronically file with the Illinois Secretary of State on behalf of the business a form LLC-1.36/1.37, entitled "Illinois Limited Liability Company Act Statement of Change of Registered Agent and/or Registered Office" ("Change of Agent Form"). The form stated, "I affirm under penalties of perjury, having authority to sign hereto, that this Statement of Change is to the best of my knowledge and belief, true, correct and complete."

8. At Respondent's direction, O.R. paid the $25 filing fee using a credit card in Respondent's name, with a card number ending in the four digits 3903. At Respondent's further direction, O.R. completed the Change of Agent Form, which caused the registered agent for the business to be changed from Clavio, Van Ordstrand and Associates to D.B. at D.B.'s home address, and electronically filed the form with the Illinois Secretary of State from the Clavio, Van Ordstrand and Associates office. Under penalty of perjury as described in paragraph seven, above, O.R. signed the Change of Agent Form electronically with D.B.'s full name.

9. At no time did D.B. or Mr. Robertson authorize Respondent or anyone at Respondent's law firm to sign the Change of Agent Form on D.B.'s behalf. At no time did Respondent notify D.B. or D.B.'s attorney that he had completed and filed a Change of Agent Form on behalf of D.B. changing the registered agent of FSG to D.B.

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

a. ordering an employee to engage in conduct that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer, by conducting including directing O.R. to electronically file and sign as D.B. a Change of Agent Form with the Illinois Secretary of State without authority or permission from D.B., in violation of Rule 5.3(c) of the Illinois Rules of Professional Conduct (2010);

b. conduct involving dishonesty, fraud, deceit, or misrepresentation, by directing O.R. to electronically file and sign as D.B. a Change of Agent Form with the Illinois Secretary of State without authority or permission from D.B., in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator requests that this matter be referred to a panel of the Hearing Board of the Commission, that a hearing be conducted, and that the Hearing 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

By: /s/ *Richard Gleason*
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