

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

In the Matter of:

BRANDON JOHN ZANOTTI,

Attorney-Respondent,

No. 6298030.

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Commission No. 2024PR00076

NOTICE OF FILING

TO: Rachel Miller
Counsel for the Administrator
Email: ARDCeService@iardc.org; rmiller@iardc.org

PLEASE TAKE NOTICE that on January 13, 2025, I will submit the attached ANSWER TO COMPLAINT and this notice to the Clerk of the Attorney Registration and Disciplinary Commission, One Prudential Plaza, 130 East Randolph, Suite 800, Chicago, Illinois 60601, for filing by electronic means through the Odyssey eFileIL system.

/s/William F. Moran, III
Counsel for Respondent

COUNSEL FOR RESPONDENT:

William F. Moran, III (#06191183)
STRATTON, MORAN, REICHERT & SRONCE
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FILED
1/13/2025 4:47 PM
ARDC Clerk

PROOF OF SERVICE

I, William F. Moran, III, state that I served copies of this Notice of Filing and the attached Answer to Complaint on Counsel for the Administrator by emailing true and correct copies thereof to her at the email addresses shown on the face of this Notice of Filing on this 13th day of January 2025. Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, 735 ILCS 5/1-109, the undersigned certifies that the statements set forth in this instrument are true and correct.

William F. Moran, III
Counsel for Respondent

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ANSWER TO COMPLAINT

Respondent, BRANDON JOHN ZANOTTI, by his attorney, William F. Moran, III, for his answer to the Complaint filed in this cause by the Administrator of the Attorney Registration and Disciplinary Commission, LEA S. GUTIERREZ, states as follows:

PROFESSIONAL BACKGROUND

1. Respondent was admitted to practice law in the State of Illinois on November 6, 2008. Respondent has also been admitted to practice in the State of Missouri, which license is inactive, the United States District Court for the Southern District of Illinois and the Supreme Court of the United States.

2. Respondent has no other professional license.

ALLEGATIONS IN THE COMPLAINT

COUNT I

*(Conviction on One Count of Aiding and Abetting
False Entry in Bank Records in Violation of 18
U.S.C. §2 and §1005)*

1. Between November 2016 and July 2022, Respondent served as Williamson County State's Attorney.

ANSWER: Respondent admits the allegations as set forth in Paragraph 1 of Count I of the Administrator's Complaint.

2. In 2017, Respondent became a partner in Results Home Buyers 2, LLC (“Results”), a real estate holding company located in Williamson County.

ANSWER: Respondent admits the allegations as set forth in Paragraph 2 of Count I of the Administrator’s Complaint.

3. Between 2017 and 2021, Results purchased seven commercial real estate properties.

ANSWER: Respondent admits the allegations as set forth in Paragraph 3 of Count I of the Administrator’s Complaint, with the exception of the years when the seven relevant properties were purchased. Answering further, at least two of the properties, 1505 West Chestnut, Marion, Illinois and 210 North Gardner, West Frankfort, Illinois were purchased in 2016, prior to Respondent becoming a partner in Results.

4. Prior to March 26, 2022, Respondent agreed to sell the commercial properties to Lawler and Maze Properties, LLC (“Lawler and Maze”). David Lawler (“Mr. Lawler”), an Illinois- licensed attorney, and Justin Maze (“Mr. Maze”), the Williamson County Circuit Clerk, were equal partners in Lawler and Maze.

ANSWER: Respondent admits the allegations as set forth in Paragraph 4 of Count I of the Administrator’s Complaint.

5. Prior to March 26, 2022, Respondent, Mr. Lawler, and Mr. Maze agreed to finance the purchase of the commercial properties through SouthernTrust Bank (“SouthernTrust”), a community bank with locations in Marion, Vienna, and Goreville. Respondent, Mr. Lawler, and Mr. Maze worked with Steven Cook (“Mr. Cook”), president of SouthernTrust, to finance the loan.

ANSWER: Respondent admits the allegations as set forth in Paragraph 5 of Count I of the

Administrator's Complaint.

6. Prior to March 26, 2022, Respondent, Mr. Lawler, Mr. Maze, and Mr. Cook agreed to complete documents stating that Results would sell Lawler and Maze seven properties for a purchase price of \$545,152 and a cash down payment of \$109,030.

ANSWER: Respondent denies the allegations as set forth in Paragraph 6 of Count I of the Administrator's Complaint. Answering further, Respondent would state that the entire agreement was that 80% of the agreed upon purchase price of \$545,152 for the seven properties, or \$436,122, was all that Results was going to receive from Lawler and Maze in relation to this transaction, which was going to be the full amount of the loan that they were going to receive from Mr. Cook and SouthernTrust. It was understood by all those involved that there was never going to be any cash downpayment paid by Lawler and Maze in relation to these real estate purchases. In order to do this, Respondent suggested to everyone that it needed to appear as if title to the properties had been transferred from Results to Lawler and Maze, prior to the date of the loan being made by the bank, so a 20% downpayment would not be required. Respondent originally thought that the assignment would be dated at or about the time the agreement was made at the end of March 2022, but Mr. Cook suggested that the same be backdated to February 1, 2022, which Respondent agreed to do. Thereafter, Respondent prepared an Assignment of Beneficial Interests indicating that the beneficial interests of the properties were transferred to Lawler and Maze, as of February 1, 2022, which Assignment was executed by the Manager of Results, not Respondent. Following the assignment, Respondent did not participate in the drafting of any of the other relevant documentation for the loan that Lawler and Maze were going to secure from SouthernTrust, and does not believe that he signed any of the paperwork. Rather, Respondent simply agreed in principle to the terms of the proposed sale of these properties, as set forth above, which included the backdating of the document transferring to Lawler and Maze

the beneficial interests of the trusts that owned the properties, so it could appear that a downpayment of 20% was not necessary and that the loan was a refinancing of properties that were worth a total of \$545,152. Though he certainly should have researched this representation, Mr. Cook told Respondent that he might get in trouble with the bank examiners for the manner in which this transaction was configured, but Respondent would not have any liability for backdating the assignment document.

7. Respondent, Mr. Lawler, Mr. Maze, and Mr. Cook agreed that, despite agreeing to complete documents stating the purchase terms as described in paragraph six, above, the actual purchase price would be \$436,122 and no down payment would be paid.

ANSWER: Respondent denies the allegations as set forth in Paragraph 7 of Count I of the Administrator's Complaint. Answering further, Respondent would restate and reallege the additional materials as set forth in Paragraph 6 of his Answer above. Further, Respondent would state that once the assignment was prepared and executed, he was not privy to conversations that would have occurred between Mr. Cook, Mr. Lawler and Mr. Maze concerning the details of the loan that was going to be made by SouthernTrust, so he does not know what they discussed.

8. Between March 26, 2022, and August 12, 2022, Respondent assisted Mr. Cook, Mr. Lawler, and Mr. Maze in completing loan documents for SouthernTrust accounts, ledgers, or records that provided stated the purchase agreement was \$545,152 for the seven properties, including a cash down payment of \$109,030.

ANSWER: Respondent denies the allegations as set forth in Paragraph 8 of Count I of the Administrator's Complaint, as he did not assist Mr. Cook, Mr. Lawler and/or Mr. Maze complete any of the loan documentation, after he prepared and had the assignment executed. Answering further, Respondent would restate and reallege the additional materials as set forth in Paragraphs

6 and 7 of his Answer above.

9. Respondent knew at the time he assisted in creating entries for SouthernTrust accounts, ledgers, or records stating the terms described in paragraph six, above, that the entries were false, because he knew that the actual purchase price for the properties was \$436,030 and did not include a cash down payment.

ANSWER: Respondent denies the allegations as set forth in Paragraph 9 of Count I of the Administrator's Complaint, as he did not assist in creating any of the accounts, ledgers or records in relation to this transaction for SouthernTrust. Answering further, Respondent would restate and reallege the additional materials as set forth in Paragraphs 6, 7 and 8 of his Answer above.

10. On March 21, 2024, Respondent waived an indictment, was charged, and pled guilty to one count of false entry in a bank record in the United States District Court, Southern District of Illinois, in a matter docketed as *United States of America v. Brandon Zanotti*, Case Number 24-40008. Count I charged Respondent with one count of false entry in a bank record, in violation of Title 18, United States Code, Sections 2 and 1005.

ANSWER: Respondent admits the allegations as set forth in the first sentence of Paragraph 10 of Count I of the Administrator's Complaint that he waived an indictment, was charged and pled guilty to Count I of the Information filed against him in violation of Title 18, United States Code, Sections 2 and 1005. Respondent denies the remaining allegations as set forth in Paragraph 10. Answering further, Respondent would state that Count I of the Information filed against him "speaks for itself," but alleges that he "aided and abetted Cook and one or more other individuals in making or causing to be made one or more false entries in the books, reports, or records of SouthernTrust Bank." Respondent would affirmatively state that he did not make the actual entries in the books of the Bank, which he assumes was done by Mr. Cook or others. Respondent

does not challenge the fact that he agreed to the backdating of the “Assignment of Beneficial Interests” related to the properties, and that Mr. Cook no doubt relied upon that agreement to make the entries in the books of the Bank that were improper.

11. On May 15, 2024, Respondent was sentenced to two years of probation, a \$5,000 fine, and \$100 in court costs.

ANSWER: Respondent admits the allegations as set forth in Paragraph 11 of Count I of the Administrator’s Complaint.

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

- a. violating the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another, by conduct including assisting Lawler in obtaining a commercial real estate loan from SouthernTrust when the loan was based on false loan documents, in violation of Rule 8.4(a) of the Rules of Professional Conduct (2010);
- b. committing a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects, by conduct including violating Sections 2 and 1005 of Title 18 of the United States Code, in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010); and
- c. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, by conduct including knowingly making the false statement described in paragraph six, above, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

ANSWER: The allegations as set forth in Paragraph 12(a) through (c) of Count I of the Administrator’s Complaint are not allegations of fact, but rather, are conclusions of law which fall within the purview of the members of the Hearing Panel assigned to this case to decide whether the same have been proven by the Administrator, so an answer is not required.

WHEREFORE, Respondent, BRANDON JOHN ZANOTTI, would request that an evidentiary hearing be held on the Complaint filed in this cause by the Administrator of the Attorney Registration and Disciplinary Commission, LEA S. GUTIERREZ, and Respondent's Answer thereto; that subsequent to the hearing, the Hearing Board make such findings of fact and conclusions of law that are supported by the record and a recommendation for any appropriate discipline to the Supreme Court of Illinois; and for any and all further relief which is just and equitable based upon the circumstances.

Respectfully submitted,

BRANDON JOHN ZANOTTI, Respondent

By: /s/William F. Moran, III
Counsel for Respondent

COUNSEL FOR RESPONDENT:

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