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

In the Matter of:
FREDRIC ROBERT GUMBINNER,
Attorney-Respondent, No. 6190984 Commission No. 2025PR00034

RESPONSE TO COMPLAINT

TO: Kate E. Levine
Counsel for the Administrator
klevine@iardc.org
ARDCeService@iardc.org

Fredric Robert Gumbinner
Attorney-Respondent
fgumbinner@gmail.com

Response to Disciplinary Complaint Based on Felony Guilty Plea Absent Knowledge or Awareness of Wrongdoing

Introduction

Comes now the Respondent, by and through counsel, and respectfully submits this answer to the complaint for disciplinary action filed against them as a member of the Illinois Bar. This response addresses the circumstances surrounding the Respondent's guilty plea to a felony and the context of their conduct, specifically that the Respondent neither had knowledge that they were engaging in wrongful conduct nor awareness that their actions were in fact in violation of any law or professional duty.

Admissions and Denials

- Respondent admits that he entered a guilty plea to the felony in question.
- Respondent denies that the conduct underlying the guilty plea involved any knowing or intentional violation of the law or the Illinois Rules of Professional Conduct.
- Respondent respectfully requests that this Honorable Board gives due consideration to the context and circumstances of the guilty plea, particularly regarding the Respondent's lack of knowledge of wrongdoing.

FILED
7/21/2025 2:25 PM
ARDC Clerk

- Respondent had a reasonable belief at the time that his actions were not wrongful and never had any wrongful knowledge nor intent. See below "*Lack of Knowledge or Intent*"

Factual Background

The Respondent acknowledges the seriousness of any criminal conviction, including felony convictions, as they pertain to the duties and responsibilities of a member of the legal profession. However, in this particular matter, the Respondent's actions were not undertaken with any criminal intent, nor did the Respondent have knowledge that his actions were unlawful or constituted misconduct (see above). At all times, the Respondent acted upon the information available to him, representations of governmental authorities or agents of governmental authorities and in accordance with his understanding or lack of understanding of the law. He acted impulsively, naively and even stupidly and irresponsibly, but not with any wrongful knowledge or intent. Furthermore, Respondent requests that the Board considers the other materials and information previously provided to the Illinois ARDC with respect to this matter and incorporates such by reference.

Lack of Knowledge and Intent

The central issue in this disciplinary proceeding is not whether a crime was committed, as acknowledged by the guilty plea, but whether the Respondent's conduct was accompanied by the knowledge or intent that would reflect adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer. The Respondent respectfully submits that he did not know that his actions were wrongful at the time they were undertaken. There was no willful disregard for the law, fraud, dishonesty, or purposeful violation of any ethical rule.

- Respondent knew that public officials lawfully mete out honorary appointments, ranging from ambassadorships to reserve deputizations, to campaign donors. For example, "[s]ince the 1950s, presidents have handed out roughly 30 percent of ambassadorships to political appointees, the bulk of which tended to be donors." President Trump "pushed that number north of 40 percent in his first two years" in office. Michelle Cottle, *Stop Letting Rich People Buy Ambassadorships*, THE N.Y. TIMES (Mar. 18, 2021).[1] Likewise, local police and sheriff's offices often hand out reserve deputy status to celebrities --- such as Shaquille O'Neal, Elvis Presley, Lou Ferrigno, Hershel Walker, and Dan Akroyd[2] --- who back the blue in both monetary and

[1] https://www.nytimes.com/2021/03/18/opinion/biden-ambassadors-donors.html

[2] Dan Akroyd is particularly notable. He was deputized in Hinds County, Mississippi in January 2014. During his swearing-in, he remarked that he had "programs and fundraisers in mind to help the sheriff's department."

nonmonetary ways. Based on this information, in addition to personal knowledge of businessmen who had been deputized in Virginia after campaign donations, Respondent reasonably believed that it was common and lawful to donate to sheriff election funds with a hope or expectation of future honorary deputization[3]. Respondent never viewed his payment as "corrupting" the Sheriff. Rather, he viewed it as a predicate for enhancing Rahim's stature with the Sheriff and hopefully catching the Sheriff's eye, in the same way wannabe ambassadors dump millions into PACs to catch the presidential eye.

- Respondent paid $20,000 to Food Truck Company LLC not as a transaction to get a badge, but as a rubberstamp to finalize a multimillion dollar business deal with Rahim, which carried only a tangential hope that Rahim would help with an auxiliary deputy application. This is exemplified by an April 2019 email from Respondent to Mr. Rick Rahim, stating: "Nick [Vico] told me about your willingness to try to help to get me a Deputy Badge. Thank You! *I understand that it is a process and that there are no assurances, just an effort to try*." Email from Fred Gumbinner to Rick Rahim (Apr. 19, 2019, 7:56 AM) (emphasis added). On October 1, 2019, Rahim and Respondent met to discuss numerous business deals, including a multimillion dollar deal. Rahim, as a win-lose negotiator, refused to close the deals unless Respondent paid $20,000 to Food Truck Company LLC. Rahim represented that he would transfer at least some of the payment to the Sheriff's election fund. Respondent did not care if that was true or not; he believed that Rahim wanted the payment to look like a "big shot" to the Sheriff, not to garner Respondent's deputization. Critically, Respondent *would not have made the payment if Rahim except to close the business deals*. This does not exemplify an attempt to "corrupt" the Sheriff.

Who You Gonna Call? Ghostbusters Actor Dan Akroyd Sworn In as Deputy of Mississippi County, DAILY MAIL (Jan. 27, 2014), https://www.dailymail.co.uk/news/article-2546530/Who-gonna-call-Dan-Akroyd-sworn-deputy-Mississippi-county.html. Within five months, he donated a "new, police-equipped Dodge Charger" to the Hinds County Sheriff's Department. Sherry Lucas, *Dan Akroyd Helps Out Hinds Co. Sheriff's Dep't*, THE CLARION-LEDGER (June 5, 2014), https://www.clarionledger.com/story/news/local/2014/06/05/dan-aykroyd-helps-hinds-sheriffs-department/10016667/. And two years later, he donated $5,000 worth of protective gear to a police department in neighboring Rankin County, Mississippi. Patrice Clark, DAN AKROYD DONATES NEW PROTECTIVE GEAR TO PEARL POLICE, WLBT3 (Apr. 13, 2017), https://www.wlbt.com/story/35138967/dan-aykroyd-donates-new-protective-gear-to-pearl-police/. Despite these donations and support appearing to be "rewards" for his deputization, Akroyd, like tens of other celebrity auxiliary deputies, was never charged under 18 U.S.C. § 666(a)(2).

3 Sheriff Bob White of Pasco County, Florida, awarded honorary deputy badges to over 100 individuals, many of whom had contributed to his re-election campaigns. Sheriff Michael Carona or Orange County, CA, awarded five individuals reserve deputy badges after contributing $5,000 each to his campaign. Sheriff Carmine Marceno of Lee County, Florida, appointed a campaign donor an honorary deputy and badge. Sheriff Raphael Washington of Wayne County, MI, awarded a deputy badge to an individual who gave the Sheriff thousands of dollars of free merchandise. In Tulsa County, Ok, a wealthy insurance executive was deputized after donating significant resources the Sheriff's office.

- When the United States was first formed it has been stated that there were only three Federal felonies and with the adoption of the Crimes Act of 1790, there were 23 federal offenses. Currently, no one knows for sure how many Federal crimes there are, but estimates range from around 4,500 to nearly 6,000 in the United States Code, with potentially ***hundreds of thousands*** more dispersed throughout federal regulations. It is challenging to count them all because new ones are constantly created, repealed, or amended. Query if any lawyer is aware of all 4,500 to 104,500 or more, let alone an attorney who does not practice in such area of expertise. Respondent clearly was not aware of 18 USC 666.

Legal Argument

- Illinois Supreme Court Rule 770 provides for discipline of attorneys upon conviction of a crime, but the nature and circumstances of the offense must be considered in determining the appropriate sanction.
- Rule 8.4 of the Illinois Rules of Professional Conduct prohibits criminal acts that reflect adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer. The Respondent's conduct, as established, did not involve knowledge or intent to violate the law, nor was it the product of moral turpitude.
- Illinois disciplinary precedent recognizes that not all felonies warrant the most severe sanction, especially where the conduct did not involve knowing dishonesty, fraud, or intentional harm.

Mitigating Circumstances

- There is no evidence that the Respondent's conduct harmed any person, client, the court, or the public.
- Respondent gained virtually no benefit from having received an Auxiliary Sheriff's badge. Although Respondent believed at all times – approximately four years - that he rightfully was an Auxiliary Deputy, his "use" of the credentials provided virtually no tangible benefit to him.
- The Respondent has an otherwise unblemished record and has demonstrated good character throughout his career.
- The Respondent has fully cooperated with law enforcement and the disciplinary process.
- The main target of the prosecution, Sheriff Scott Jenkins has received a full and unconditional pardon. Query is it fair that Respondent has suffered much greater consequences and collateral consequences and continues to suffer such extreme consequences than the main perpetrator?

- The guilty plea was entered upon advice of counsel in a complex matter in which the Respondent's understanding of the legal implications was limited. The attorneys advised that it could cost in excess of $1 million and take over three years to get resolution as the matter could go before the US Supreme Court as there is a circuit split on interpretations of the statute. Furthermore, the attorneys never pursued defenses with respect to the Supreme Court's rulings in US v Snyder regarding the statute.

Prayer for Relief

WHEREFORE, for the foregoing reasons, the Respondent respectfully requests that the disciplinary authority take into account the absence of intent or knowledge of wrongdoing, as well as the Respondent's history, cooperation, and the context of the plea, and impose a sanction proportionate to these facts, which may include a reprimand, censure, suspension, or such other disposition as this body deems just and proper.

Respectfully and humbly submitted,

/s/ FREDRIC R. GUMBINNER

Respondent, Fredric R. Gumbinner