

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

In the Matter of:

KUROSH K. HOSSEINI,

Attorney-Respondent,

No. 6307913.

Commission No. 2023PR00074

NOTICE OF FILING

To: Melissa A. Smart (msmart@iardc.org; ardceservice@iardc.org)
Attorney Registration & Disciplinary Commission
130 E. Randolph Street, Suite 1500
Chicago, IL 60601

PLEASE TAKE NOTICE that on **January 23, 2024**, we filed with the Clerk of the Attorney Registration & Disciplinary Commission, Chicago, Illinois on behalf of Respondent: **ANSWER TO COMPLAINT**, a copy of which is served upon you herewith.

By:


Counsel for Respondent

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CERTIFICATE OF SERVICE

Pursuant to the provisions and penalties of 735 ILCS 5/1-109, the undersigned certifies that this Notice and document(s) described therein were **emailed** to the person(s) to whom the Notice is directed on **January 23, 2024**.



FILED
1/23/2024 10:15 AM
ARDC Clerk

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ANSWER TO COMPLAINT

COMES the Respondent, Kurosh K. Hosseini, by counsel, Adrian Vuckovich of Collins Bargione & Vuckovich, for his Answer to the Administrator's Complaint, states as follows:

*(Criminal conviction for Attempt Non-Consensual
Dissemination of Private Sexual Images)*

1. At all times alleged in this complaint, there was in effect a criminal statute in Illinois, Chapter 720, Section 5/8.4 of the Illinois Compiled Statutes, which made it a Class A misdemeanor to, with the intent to commit the crime of attempt non-consensual dissemination of private sexual images, undertake any act that constitutes a substantial step toward the commission of non-consensual dissemination of private sexual images.

ANSWER: Denied as alleged. See 720 ILCS 5/8-4 attached hereto as Exhibit A.

2. Beginning in April 2017, Respondent and K.J. were involved in an intimate personal relationship, which ended by January 2018. During their relationship, K.J. shared with Respondent intimate images she had taken of herself while she was nude or partially clothed. K.J. shared these images with Respondent and no one else and shared them with the expectation that Respondent would keep them private and would not disseminate them.

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ANSWER: Admitted that Respondent and K.J. dated beginning on or about April 2017 and ending in or about January 2018. Admitted that K.J. sent Respondent images of herself nude or partially clothed. Denied that K.J. only sent the images to Respondent. Respondent states that he did not disseminate the images. Any remaining allegations are denied.

3. After the conclusion of their relationship, in or around January 2018, K.J. began to receive phone calls, text messages and emails from Respondent which she believed were harassing in nature. On February 16, 2018, K.J. sought and obtained an order of protection against Respondent which prohibited Respondent from abusing, harassing, interfering with the personal liberty of, or stalking K.J. The order of protection also prohibited Respondent from taking or damaging K.J.'s car and from having any contact with K.J., including refraining from telephone calls, mail, email, faxes, written notes, and communication through third parties.

ANSWER: Denied as alleged.

Paragraph 3 does not allege that Respondent directed “harassing” communications to K.J. Paragraph 3 alleges that K.J. “believed” communications “were harassing in nature.” The definition of “harass” or “harassing” is from the prospective of a “reasonable person”. See 720 ILCS 5/26.5-0.1 (““Harass” or “harassing” means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances, that would cause a reasonable person emotional distress and does cause emotional distress to another.”)

The Administrator’s Complaint does not charge Respondent with a Rule violation tethered to alleged harassment or misconduct leading to the entry of the agreed order of protection. See *In re Karavidas*, 2013 IL 115767, ¶ 73 (“When an attorney is accused of engaging in certain conduct, but that accusation is not tethered to an alleged violation of a

specific Rule of Professional Conduct, it creates the risk that discipline might be imposed for conduct that does not violate professional norms.”)

Further, the content of the alleged communications is not described (alleged) in the Administrator’s Complaint. Respondent does not have proper notice of the alleged communications. Paragraph 3 appears to relate to uncharged misconduct. Denied that Respondent made harassing communications to K.J. or engaged in misconduct. Any remaining allegations are denied.

4. On or about February 22, 2018, K.J. learned from R.K., a former boyfriend, that on that same date, R.K. had received nude images of K.J. via an Instagram account which purported to be from K.J. K.J. was not the owner of that Instagram account, nor did she cause any images of herself to be sent to R.K. K.J. determined that the images received by R.K. were the same private sexual images which K.J. had sent to Respondent during the course of their relationship. On February 23, 2018, K.J. made a report to the Chicago Police Department ("CPD") alleging that Respondent was responsible for the Instagram message to R.K., but while the CPD prepared a report of K.J.'s complaint, it also subsequently informed K.J. that even if Respondent was responsible for the Instagram account or message to R.K., because K.J. had voluntarily given the images to Respondent, the CPD would take no further action at that time.

ANSWER: Respondent lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 4. Paragraph 4 is therefore denied as alleged.

5. On or about February 28, 2018, K.J., who was and is an attorney, received a message on LinkedIn from a colleague who stated that he had intended to refer a client to her and that a Google search of her name revealed a post on a website with the domain name "The

Dirty.com" ("The Dirty"). The post was entitled, "Trashy Addicted Chicago Attorney-[K.J.'s full name]" and contained images with K.J.'s face and nude images of K.J. K.J. reviewed the post on The Dirty and determined that it contained the same images which she had provided to Respondent, and which had previously been sent to R.K. via Instagram.

ANSWER: Respondent lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 5. Paragraph 5 is therefore denied as alleged.

6. On February 28, 2018, K.J. contacted The Dirty's legal department to object to the post referred to in paragraph five above and to report that she had an order of protection against Respondent, the person whom she believed to be the source of the post. K.J. included a copy of her the order of protection against Respondent referred to in paragraph three, above, and the police report referred to in paragraph four, above. On March 1, 2018, K.J. received a response from The Dirty informing her that the legal standard required for an order of protection differed from the standard of free speech and therefore the content would not be removed. Later that same day, The Dirty sent K.J. another correspondence stating that upon a second review, because the source of the post had originally submitted fully nude photos, which had been cropped by The Dirty in order not to violate its standards, they determined that removal of the images was justified and The Dirty then removed the photos.

ANSWER: Respondent denies being the individual who submitted the above described images to The Dirty. Admitted on information and belief that K.J. had the communications described in paragraph 6 with The Dirty. Any remaining allegations are denied.

7. On March 14, 2018, K.J. made a supplemental report to the CPD and provided them with her communications with the legal department at The Dirty. The CPD reopened and reclassified their prior investigation which had followed from the Instagram message referenced in paragraph four above and initiated further investigation as to the source of the post on The Dirty. The CPD sent a subpoena to The Dirty, which provided evidence that the post, "Trashy Addicted Chicago Attorney-[K.J.'s name]," referenced in paragraph five above, had been created on February 18, 2018, and submitted using the email address onelasttry[K.J.'s full first name]@gmail.com. The Dirty also provided CPD with an IP address which was the source of the post. CPD then sent subpoenas to Cloud Flare Trust and Safety, Total Server Solutions, Comcast Communications and Google to determine who owned the IP addresses and email addresses associated with the post. At the conclusion of their investigation, CPD determined that the email address: onelasttry[K.J.'s full first name]@gmail.com, which was used as the source and/or to access the post which contained the images of K.J. referenced in paragraph five above, was accessed via IP addresses assigned to both Respondent's business address in Wilmette and Respondent's home address in Chicago, both of which were active accounts and were billed to Respondent.

ANSWER: Respondent lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 7. Denied that Respondent engaged in misconduct. Paragraph 7 is therefore denied as alleged.

8. On December 17, 2018, CPD referred the facts and evidence obtained in the course of their investigation to the Cook County State's Attorney's Office, which concluded that there was sufficient evidence to support a criminal charge of non-consensual dissemination of private sexual images against Respondent and requested that an arrest warrant be issued for Respondent.

ANSWER: Respondent denies he engaged in misconduct, but admits that on information and belief, CPD referred the matter to the Cook County State's Attorney's Office and that an arrest warrant was issued. Any remaining allegations are denied.

9. On December 20, 2018, Judge James M. Obbish ("Judge Obbish") of the Circuit Court of Cook County, issued a warrant for Respondent's arrest for felony non-consensual dissemination of private sexual images, in violation of Chapter 720, Section 5/11-23.5 of the Illinois Compiled Statutes. On December 22, 2018, after being informed by officers from the Chicago Police Department that he was the subject of an active arrest warrant, Respondent turned himself in and was placed into custody and arrested. On that same date, Judge Obbish set Respondent's bail at \$10,000. On December 23, 2018, Respondent was released on bond.

ANSWER: Admitted.

10. On January 14, 2019, a Cook County grand jury entered a true bill of indictment against Respondent for felony non-consensual dissemination of private sexual images, in violation of Chapter 720, Section 5/11-23.5 of the Illinois Compiled Statutes, based on Respondent's alleged intentional dissemination of an image of K.J. wherein K.J.'s intimate parts were exposed after obtaining the images under circumstances in which a reasonable person would know or understand that the images were to remain private and knowing that K.J. did not consent to the dissemination of those images. The clerk of the court assigned the matter case number 19 CR 761, entitled People of the State of Illinois v. Koresh Hosseini.

ANSWER: Paragraph 10 is admitted with respect to historical facts. Respondent denies he engaged in the misconduct described in paragraph 10.

11. On May 24, 2022, as a result of a plea agreement between Respondent and the Cook County State's Attorney's Office wherein the State requested and was granted leave to amend the

charge against Respondent from a felony to a Class A misdemeanor, Respondent pled guilty to a reduced charge of misdemeanor attempt non-consensual dissemination of sexual images, in violation of ILSC 720-5.8-4, which elements include that he intended to commit non-consensual dissemination of sexual images by posting, publishing, or distributing private sexual images of K.J. without her consent and engaged in conduct that constitutes a substantial step toward the commission of non-consensual dissemination of private sexual images of K.J.

ANSWER: Denied as alleged. Admitted that the charge was amended to a misdemeanor violation of 720 ILCS 5/8-4. (720 ILCS 5/8-4 is attached as Exhibit A.) Admitted that Respondent entered into a plea agreement which was memorialized by the Sentencing Order.

12. On May 24, 2022, Judge Obbish sentenced Respondent to probation for a period of one year and ordered Respondent to pay K.J. \$10,000 as reimbursement of her costs in removing the posts made by Respondent. On that same date, Judge Obbish entered an order of protection against Respondent, to expire two years after the termination of Respondent's probation, prohibiting Respondent from abusing, harassing, interfering with the personal liberty of, or stalking K.J. or from having any contact with K.J., including refraining from telephone calls, mail, email, faxes, written notes, and communication through third parties. Respondent paid the \$10,000 costs on the day he was sentenced, and his probation was satisfactorily terminated on May 8, 2023.

ANSWER: Denied as alleged. Admitted that certain orders were entered which speak for themselves. Respondent paid restitution in the amount of \$10,000 prior to sentencing. Respondent's probation was satisfactorily terminated.

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

- a. committing criminal acts that reflect adversely on his honesty, trustworthiness or fitness as a lawyer in other respects, by engaging in the crime of attempt non-consensual dissemination of sexual images in violation of ILSC 720-5.8-4, in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010).

ANSWER: Denied that Respondent entered a plea agreement or was convicted of a violation of “ILSC 720-5.8-4”. Denied that Respondent engaged in misconduct. Any remaining allegations are denied.

WHEREFORE, Respondent respectfully requests that this cause be considered and that the Hearing Board make a just recommendation.

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By: 

720 ILCS 5/8-4

Statutes current with legislation through P.A. 103-569 of the 2023 Regular Session of the 103rd General Assembly.

Illinois Compiled Statutes Annotated > Chapter 720 CRIMINAL OFFENSES (§§ 5/1-1 — 690/4.5) > CRIMINAL CODE (§§ 5/1-1 — 5/49-6) > Criminal Code of 2012 (Titles I — V) > Title III. Specific Offenses (Pts. A — F) > Part A. Inchoate Offenses (Art. 8) > Article 8. Solicitation, Conspiracy and Attempt (§§ 5/8-1 — 5/8-6)

720 ILCS 5/8-4 Attempt.

(a) Elements of the offense.

A person commits the offense of attempt when, with intent to commit a specific offense, he or she does any act that constitutes a substantial step toward the commission of that offense.

(b) Impossibility.

It is not a defense to a charge of attempt that because of a misapprehension of the circumstances it would have been impossible for the accused to commit the offense attempted.

(c) Sentence.

A person convicted of attempt may be fined or imprisoned or both not to exceed the maximum provided for the offense attempted but, except for an attempt to commit the offense defined in Section 33A-2 of this Code [[720 ILCS 5/33A-2](#)]:

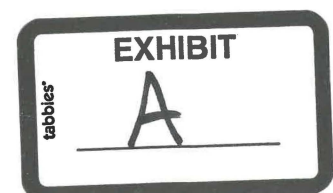
(1) the sentence for attempt to commit first degree murder is the sentence for a Class X felony, except that

(A) an attempt to commit first degree murder when at least one of the aggravating factors specified in clauses (iii), (iv), and (v) of subsection (a)(1)(c) of Section 5-8-1 of the Unified Code of Corrections is present is a Class X felony for which the sentence shall be a term of imprisonment of not less than 20 years and not more than 80 years;

(B) an attempt to commit first degree murder while armed with a firearm is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court;

(C) an attempt to commit first degree murder during which the person personally discharged a firearm is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court;

(D) an attempt to commit first degree murder during which the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person is a Class X felony for which 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court; and



- (E) if the defendant proves by a preponderance of the evidence at sentencing that, at the time of the attempted murder, he or she was acting under a sudden and intense passion resulting from serious provocation by the individual whom the defendant endeavored to kill, or another, and, had the individual the defendant endeavored to kill died, the defendant would have negligently or accidentally caused that death, then the sentence for the attempted murder is the sentence for a Class 1 felony;
- (2) the sentence for attempt to commit a Class X felony is the sentence for a Class 1 felony;
- (3) the sentence for attempt to commit a Class 1 felony is the sentence for a Class 2 felony;
- (4) the sentence for attempt to commit a Class 2 felony is the sentence for a Class 3 felony; and
- (5) the sentence for attempt to commit any felony other than those specified in items (1), (2), (3), and (4) of this subsection (c) is the sentence for a Class A misdemeanor.

History

P.A. 84-1450; [87-921, § 1](#); [88-680](#), § 35-5; [91-404](#), § 5; [91-696](#), § 35-5; [96-710](#), § 25; [2023 P.A. 103-51](#), § 20, effective January 1, 2024.

Annotations

Notes

Editor's Notes

This section was Ill.Rev.Stat., Ch. 38, § 8-4.

[P.A. 91-696](#), § 1, effective April 13, 2000, provides:

“Purpose.

“(1) The General Assembly finds and declares that:

“(i) [Public Act 88-680](#), effective January 1, 1995, contained provisions amending the Criminal Code of 1961, the Unified Code of Corrections and the Wrongs to Children Act. [Public Act 88-680](#) also contained other provisions.

“(ii) In addition, [Public Act 88-680](#) was entitled ‘AN ACT to create a Safe Neighborhoods Law’. (A) Article 5 was entitled JUVENILE JUSTICE and amended the Juvenile Court Act of 1987. (B) Article 15 was entitled GANGS and amended various provisions of the Criminal Code of 1961 and the Unified Code of Corrections. (C) Article 20 was entitled ALCOHOL ABUSE and amended various provisions of the Illinois Vehicle Code. (D) Article 25 was entitled DRUG ABUSE and amended the Cannabis Control Act and the Illinois Controlled Substances Act. (E) Article 30 was entitled FIREARMS and amended the Criminal Code of 1961 and the Code of Criminal Procedure of 1963. (F) Article 35 amended the Criminal Code of 1961, the Rights of Crime Victims and Witnesses Act, and the Unified Code of Corrections. (G) Article 40 amended

the Criminal Code of 1961 to increase the penalty for compelling organization membership of persons. (H) Article 45 created the Secure Residential Youth Care Facility Licensing Act and amended the State Finance Act, the Juvenile Court Act of 1987, the Unified Code of Corrections, and the Private Correctional Facility Moratorium Act. (I) Article 50 amended the WIC Vendor Management Act, the Firearm Owners Identification Card Act, the Juvenile Court Act of 1987, the Criminal Code of 1961, the Wrongs to Children Act, and the Unified Code of Corrections.

“(iii) *On December 2, 1999, the Illinois Supreme Court, in People v. Cervantes, Docket No. 87229 [189 Ill. 2d 80, 243 Ill. Dec. 233, 723 N.E.2d 265 (1999)]*, ruled that *Public Act 88-680* violates the single subject clause of the *Illinois Constitution (Article IV, Section 8 (d))* and was unconstitutional in its entirety.

“(iv) The provisions of *Public Act 88-680* amending the Criminal Code of 1961, the Unified Code of Corrections, and the Wrongs to Children Act are of vital concern to the people of this State and legislative action concerning those provisions of *Public Act 88-680* is necessary.

“(2) It is the purpose of this Act to re-enact certain criminal provisions of *Public Act 88-680*, including subsequent amendments. This re-enactment is intended to remove any question as to the validity or content of those provisions.

“(3) This Act re-enacts certain criminal provisions of *Public Act 88-680*, including subsequent amendments, to remove any question as to the validity or content of those provisions; it is not intended to supersede any other Public Act that amends the text of the Sections as set forth in this Act. The material is shown as existing text (i.e., without underscoring), except for technical changes having a revisory function.”

Section 990-1 of *P.A. 91-696* contains a severability provision.

Amendment Notes

The 1992 amendment by P.A. 87-921, effective September 30, 1992, added to the end of subdivision (c)(1) the language beginning “except that an attempt”.

The 1994 amendment by P.A. 88-680, effective January 1, 1995, in subdivision (c)(1) substituted “20” for “15” and substituted “80” for “60”.

The 1999 amendment by P.A. 91-404, effective January 1, 2000, inserted the subdivision (c)(1)(A) designation and added subdivisions (c)(1)(B) through (c)(1)(D).

The 2000 amendment by P.A. 91-696, effective April 13, 2000, reenacted this section with no additional changes.

The 2009 amendment by P.A. 96-710, effective January 1, 2010, inserted “the offense of” in (a); substituted “Code” for “Act” at the end of the introductory language of (c); added (c)(1)(E); substituted “items (1), (2), (3), and (4) of this subsection (c)” for “subsections (1), (2), (3) and (4) hereof” in (c)(5); and made gender neutral and stylistic changes.

The 2023 amendment by P.A. 103-51, effective January 1, 2024, substituted “clauses (iii), (iv), and (v) of subsection (a)(1)(c) of Section 5-8-1 of the Unified Code of Corrections” for “paragraphs (1), (2), and (12) of subsection (b) of Section 9-1” in (c)(1)(A).