2017 IL App (1st) 163108-U

THIRD DIVISION
November 29, 2017

No. 1-16-3108

IN THE APPELLATE
COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS *ex rel.* LISA MADIGAN, Attorney General of Illinois,	)	Appeal from the Circuit Court of Cook County.
Plaintiff-Appellee,	)	
v.	)	No. 15 CH 12964
RICHARD C. MOENNING,	)	The Honorable Kathleen G. Kennedy,
Defendant-Appellant.	)	Judge Presiding.

JUSTICE FITZGERALD SMITH delivered the judgment of the court.
Justices Howse and Lavin concurred in the judgment.

ORDER

HELD: Trial court's grant of summary judgment in favor of the Illinois Attorney General was proper where the evidence clearly showed that the defendant violated several provisions of the Illinois Charitable Trust Act, and no genuine issue of material fact remained.

¶ 1 Following defendant-appellant Richard C. Moenning's (defendant) refusal to comply with plaintiff-appellee The People of the State of Illinois *ex rel.* Lisa Madigan, Attorney General of

Illinois' (Attorney General) discovery requests pursuant to a complaint filed against him, the Attorney General moved for summary judgment. The trial court granted the Attorney General's motion and eventually entered a final judgment against defendant in the amount of $335,164.06 plus interest, an additional $50,000 in punitive damages, and permanently enjoined him from acting as a charitable trustee. Defendant appeals, *pro se*, contending that the Attorney General was not entitled to summary judgment as a matter of law on the pleadings and that he, instead, was so entitled because he committed no wrongdoing and there was no evidence of such. He asks that we reverse the trial court's judgment, with costs. For the following reasons, we affirm.

¶ 2 BACKGROUND

¶ 3 Before we begin our discussion of this cause, we note at the outset that defendant has failed to make any citation to any portion of the record in support of either his presentation of relevant facts to this case or his legal argument. Additionally, with respect to his legal argument, he cites only two cases as precedent–both recounting only black letter law regarding the general operations of summary judgment and the Illinois Charitable Trust Act. These are direct violations of Illinois Supreme Court Rule (Rule) 341 governing the form and content of appellate briefs. Ill. S.Ct. R. 341(h)(6), (7) (eff. Feb. 6, 2013) (requiring citation to the record in both the statement of fact and argument sections of appellate brief, and requiring elaboration of an argument, citation to persuasive authority or the presentation of a well-reasoned argument supported by legal authority). Compliance with Rule 341 is mandatory, and defendant's status as a *pro se* litigant–an attorney, no less–does not relieve him of his noncompliance with appellate practice rules. See *Voris v. Voris*, 2011 IL App (1st) 103814, ¶ 8.

¶ 4 Based on this, we do have the discretion to strike defendant's brief and dismiss his appeal based on his failure to comply with the applicable rules of appellate procedure. See *Holzrichter v. Yorath*, 2013 IL App (1st) 110287, ¶ 80. However, for the sake of completeness and justice, we choose to review this appeal.

¶ 5 Sisters Marie and Helen Carstensen established a charitable remainder trust in July 2002. They reserved the right to jointly amend or revoke the trust, with the other's consent. Each sister was also the successor trustee to the other, in the event of either of their deaths. Their combined assets at this time totaled approximately $1.3 million.

¶ 6 The sisters amended the trust several times. Over the years, Marie became unable to manage her affairs and, thus, to succeed Helen as trustee; therefore, defendant, an attorney and the "trust counsel," was named to succeed Helen as "individual successor trustee" in the event of her resignation, her inability to manage her affairs or her death. In its final amendment, the trust ordered the trustee to pay $50,000 to the sisters' friend Tom Rook if he was living 30 days after the death of the first of them, and to then distribute the remainder of their estate as follows: 60% to the Trustees of the Fourth Presbyterian Church of Chicago and 40% to the Rehabilitation Institute of Chicago.

¶ 7 In May 2008, Marie died. Defendant, her executor, presented her last will and testament to the probate court, wherein Marie had given all her belongings to Helen and the residue of her estate to the acting trustee of the trust.

¶ 8 In September 2010, Helen died. Defendant, also her executor, presented her last will and testament to the probate court, pursuant to which, because Marie had preceded her in death,

defendant was to sell all Helen's property within 60 days of her will's presentation and add the proceeds to the residue of Helen's estate, which would become part of the trust. Defendant was now the individual successor trustee of the trust.

¶ 9 Bank records indicate that between October 2008, five months after Marie's death, and December 2014, four years after Helen's death, defendant either withdrew as cash or transferred into his personal and business accounts more than $339,000 from the trust. This included a monthly $5,000 flat "fee" for his "services," which was not specified in the trust. As for the trust's beneficiaries, records showed that defendant caused the trust to make one set of payments in October 2014 to the Fourth Presbyterian Church and the Rehabilitation Institute totaling $22,715.47; however, for reasons unknown, the cashier's checks for these payments were never cashed. By late 2014, one of these beneficiaries notified the Attorney General that it had not received any monies from the trust. Then, in January 2015, defendant caused the trust to make one other set of payments to the beneficiaries totaling $586,436.09, which were, apparently, cashed ($351,861.98 to the Fourth Presbyterian Church and $234,574.11 to the Rehabilitation Institute). Defendant never registered as trustee with the Attorney General, nor did he ever provide it with records or an accounting of the trust.

¶ 10 In August 2015, the Attorney General filed a complaint against defendant, alleging violations of the Illinois Charitable Trust Act (Act) (760 ILCS 55/1 *et seq.* (West 2014)). Attaching a copy of the trust to its complaint, the Attorney General detailed that defendant served as the individual successor trustee but had failed to register and file annual written reports in accordance with several sections of the Act, and that he had engaged in self-dealing. The

Attorney General asked the court to order defendant to make a full accounting of the trust's funds and assets, including the $339,000 he had distributed to himself; it also asked for punitive damages if the evidence showed he intentionally disbursed more than $1,000 for his personal benefit, for defendant to be removed as trustee, and for a receiver to be appointed.

¶ 11 In November 2015, after much delay, defendant sought leave to file his answer to the complaint *instanter*, explaining he had been dealing with another matter involving the same trust. This matter, of which we take judicial notice,[1] constituted proceedings and hearings before the Attorney Registration and Disciplinary Commission (ARDC) which resulted in defendant's disbarment from the practice of law, effective May 2017. The ARDC found:

> "While serving as both trustee and trust counsel to several trusts created by two elderly sisters, he paid himself over $360,000 in purported fees without performing sufficient services to justify the payment of the funds. He also took years to notify or pay some of the trust beneficiaries, failed to disburse any funds to one beneficiary as of the time of the disciplinary hearing, failed to timely notify some of the beneficiaries of their interests under the trusts, and never provided an accounting to any of the beneficiaries or to the Illinois Attorney General's

[1]We may take judicial notice of public records and documents, particularly when these are included in the records of other courts and administrative tribunals and where such notice will aid in the efficient disposition of a case. See *Village of Riverwoods v. BG Ltd. Partnership*, 276 Ill. App. 3d 720, 724 (1995), and *May Department Stores Co. v. Teamsters Union Local No. 743*, 64 Ill. 2d 153, 159 (1976). For the record, the Report and Recommendation of the ARDC Hearing Board with respect to its proceedings against defendant here is, without objection, part of our record on appeal in this cause. Also, defendant never disputes the ARDC's proceedings or decision and even mentions them in his appellate brief.

Office." *In re Richard Carl Moenning*, 15PR0013, https://www.iardc.org/lawyersearch.asp (last visited November 27, 2017).[2]

The trial court allowed defendant to file his late answer. Therein, he admitted that the Attorney General had attached a proper copy of the trust (as amended) to its complaint, that the trust named him as the individual successor trustee, and that he is and continues to be the trust's successor trustee. He stated he wrote cashier's checks from the trust in the amount of $22,715.47 to the Fourth Presbyterian Church and the Rehabilitation Institute in October 2014 but these were never cashed, and that he did make monetary distributions to these beneficiaries in December 2014 as provided by the trust.

¶ 12 By December 2015, the cause moved into discovery, with the Attorney General presenting interrogatories and requests to produce an accounting to defendant for his use of the trust's assets. Following several extensions of time, the court finally ordered defendant to respond to the interrogatories and requests to produce by April 14, 2016. Defendant did not do so. Instead, the day after his procedural deadline, defendant moved to strike the interrogatories and the requests to produce, claiming that the Attorney General was confusing accounts and he could not answer the interrogatories and requests appropriately.

¶ 13 In response, the Attorney General moved for summary judgment pursuant to section 2-1005 of the Illinois Code of Civil Procedure (735 ILCS 5/2-1005 (West 2016)). It pointed out to the court that, in his answer to its complaint, defendant admitted he was the successor trustee to

[2]In addition to our previous footnote, and more specific to the instant cause, we may take judicial notice of the ARDC's online records. See *BAC Home Loans Servicing v. Popa*, 2015 IL App (1st) 142053, ¶ 21.

the trust and never denied that he failed to register and account to the Attorney General as required by the Act. It also noted that defendant had repeatedly and purposefully delayed the proceedings, thereby avoiding the provision of such an accounting, and had yet to provide any written response or record to show an accounting of the trust's monies, which he still continued to withdraw and pay to himself even during the times of these instant hearings, now some six years after Helen's death. To its motion, the Attorney General attached a Certification of Record Search from a senior compliance officer in the Office of the Attorney General Charitable Trust Bureau stating that, upon a search, there was no record of any registration of the trust nor any annual report filed by defendant.

¶ 14 In April 2016, the trial court denied defendant's motion to strike the Attorney General's interrogatories and requests to produce, but gave him more time to respond to its motion for summary judgment and set the cause for status in June 2016. Defendant did not respond, and in June 2016, the Attorney General moved for the immediate grant of summary judgment. The next day, defendant appeared in court, claiming he had not been able to timely respond due to matters pending before the ARDC and the Illinois Supreme Court. He asked to file *instanter* the same brief he had filed before the ARDC in lieu of a response to the summary judgment motion. The trial court denied his request.

¶ 15 On July 20, 2016, the trial court granted summary judgment in favor of the Attorney General. The court found that defendant was the trustee and had violated the Act by failing to "register and file financial reports" with the Attorney General, as required. It also found that he had "breached his duty against self-dealing and conflicts of interest by paying himself for

unknown purposes at least $328,753 of funds held for the benefit of the charitable beneficiaries." Finding that there remained no genuine issue of material fact and that the Attorney General was entitled to judgment as a matter of law, the court further enjoined defendant from acting as a charitable trustee, ordered him to account for all the trust's assets by August 17, 2016, surcharged him in equity $328,753 for the charitable funds which he had paid to himself, and assessed an additional $50,000 in punitive damages. The court then continued the cause for a hearing to appoint a receiver.

¶ 16 At that hearing, the court discussed three proposed receivers and the accounting defendant was to make. Defendant told the court he had not seen the Attorney General's proposals and, accordingly, wanted to delay the entry of an order. The court gave defendant time to review the proposals and, after he did so, defendant orally moved to extend time for him to provide the accounting. Having noted that it had already set a date long ago, and finding no good cause for delay, the trial court denied defendant's motion for extension and appointed a receiver, authorizing him to identify and obtain any remaining assets from the trust and distribute them appropriately. It further ordered that interest begin to be computed both on any unsatisfied portion of the surcharge judgment and the punitive damages judgment, and reminded defendant that he was required to account for the trust's funds and assets by August 17, 2016.

¶ 17 In late September 2016, defendant sent a letter to the receiver and enclosed a cashier's check for $3,251.41, which he claimed was the balance of the trust's checking account. In the letter, he explained that in June 2016, someone had stolen "checks [he] had withdrawn for the residuary trust beneficiaries" in the amount of $13,629.28; he attached a copy of a police

department incident report. Defendant further explained that he also withdrew $150 to purchase a money order for his court reporter's attendance fee and that he paid himself "as agreed with the Carstensen sisters prior to September 2010, two monthly payments plus expenses of $5,000 each."

¶ 18 After the receiver filed an initial report, the court held a hearing. Defendant told the court that he had been out of town and had not reviewed the report. The court recessed and allowed him to do so. When it recalled the cause, it asked defendant if he objected in any way to the report and accounting; he did not and told the court that the report was "very, very accurate and meets with everything I know about." The Attorney General agreed that the full accounting, or as much as could be done, was now complete and that only $7,098.59 remained unaccounted. Defendant told the court that he was unaware of this sum and asked for a continuance to find more information. Having noted all the chances it had given defendant before this time to account for all the funds, the trial court did not grant a continuance but, instead, entered an order holding that, because he had failed to account for this portion, defendant was subject to an additional surcharge and judgment for that amount.

¶ 19 At a subsequent hearing, the Attorney General had prepared a draft order, combining all the trial court's judgments into one order. The court allowed the Attorney General to explain its draft and the receiver to address it; it also allowed defendant to review it and asked him for his comments. Defendant responded that he had no comments, other than "a general objection, certainly, to the order, but other than saying that, no."

¶ 20 On October 27, 2016, the trial court entered a final judgment of $335,164.06 plus interest

in favor of the Attorney General. It also entered an additional punitive award of $50,000 and permanently enjoined defendant from acting as a charitable trustee "and from otherwise having any direct or indirect custody or control of charitable assets in Illinois."

¶ 21 ANALYSIS

¶ 22 On appeal, defendant contends that the trial court erred in granting summary judgment against him because the Attorney General provided no evidence of any wrongdoing in his failure to register as trustee or that he engaged in any self-dealing with respect to the trust. He asserts that, because there was nothing the Attorney General could "point to claim it is entitled to judgment as a matter of law," and because the Attorney General "failed to adhere to the requirements of summary judgment *** to conduct a statutorily required hearing or to even show by competent admissible evidence that the distribution was a violation of the statute," the trial court should have granted summary judgment in his favor. We disagree.

¶ 23 Summary judgment is appropriate when the pleadings, affidavits, depositions and admissions of record, construed strictly against the moving party, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. See *Morris v. Margulis*, 197 Ill. 2d 28, 35 (2001). Thus, the moving party has the initial burdens of proof and production to show that there is no genuine issue of material fact. See *Hawkins v. Capital Fitness, Inc.*, 2015 IL App (1st) 133716, ¶ 10. Once the moving party has met these burdens, the burden then shifts to the nonmoving party. See *Triple R Development, LLC v. Golfview Apartments I, L.P.*, 2012 IL App (4th) 100956, ¶ 12. While he need not prove his case at this preliminary stage, the nonmoving party must, nevertheless, present some factual basis to

support his claim and he is not simply entitled to rely on the allegations in his pleading in order to raise a genuine issue of material fact. See *CitiMortgage, Inc. v. Bukowski*, 2015 IL App (1st) 140780, ¶ 19, and *Rucker v. Rucker*, 2014 IL App (1st) 132834, ¶ 49; see also *Winnetka Bank v. Mandas*, 202 Ill. App. 3d 373, 387-88 (1990) (he must submit affidavits or rely on depositions or other admissions of record which counter the facts; in other words, he has a duty to present a factual basis which would arguably entitled him to judgment in his favor based on the law). This basis must recite facts and not mere conclusions or statements based on information and belief. See *In Interest of E.L.*, 152 Ill. App. 3d 25, 31 (1987); *Cohen v. Washington Mfg. Co., Inc.*, 80 Ill. App. 3d 1, 3 (1979); see also *Morrissey v. Arlington Park Racecourse, LLC*, 404 Ill. App. 3d 711, 724 (2010) ("nonmoving party must present a *bona fide* factual issue and not merely general conclusions of law"). Ultimately, although summary judgment has been called a "drastic measure," it is an appropriate tool to employ in the expeditious disposition of a lawsuit in which " 'the right of the moving party is clear and free from doubt.' " *Morris*, 197 Ill. 2d at 35, quoting *Purtill v. Hess*, 111 Ill. 2d 229, 240 (1986). Appellate review of a trial court's grant of summary judgment is *de novo* and reversal will occur only if we find that a genuine issue of material fact exists. See *Outboard Marine Corp. v. Liberty Mutual Insurance Co.*, 154 Ill. 2d 90, 102 (1992); *Addison v. Whittenberg*, 124 Ill. 2d 287, 294 (1988).

¶ 24 In the instant cause, we find that there remained no genuine issue of material fact. This is because defendant failed to present any evidence to dispute his prior admission that he was the successor trustee, and the evidence undoubtedly shows he violated several provisions of the Act.

¶ 25 The Act applies to any trustee, *i.e.*, "any person *** holding property for *** any

charitable purpose," when that property exceeds $4,000. 760 ILCS 55/2, 3 (West 2014). The purpose of the Act is to help the Attorney General in its powers and duties to enforce and supervise charitable trusts and ensure that these trusts' funds are administered and distributed in accordance with their charitable intentions. See *In re Estate of Stern*, 240 Ill. App. 3d 834, 837 (1992). Accordingly, the Act places several requirements on a trustee. Applicable to the instant cause, the Act mandates that a trustee "file and register with the Attorney General, within 6 months after any part of the income or principal is received *** a copy of the trust agreement." 760 ILCS 55/6(a) (West 2014). Additionally, the trustee "shall *** file with the Attorney General periodic annual written reports under oath, setting forth information as to the nature of the assets held for charitable purposes and the administration thereof by the trustee." 760 ILCS 55/7(a) (West 2014). The Act further orders that the trustee "avoid 'self-dealing' and conflicts of interest," "utilize the trust in conformity with its purposes for the best interest of the beneficiaries," and "timely file registration and financial reports required by" the Act. 760 ILCS 55/15(a)(1), (6), (7) (West 2014). Ultimately,

> "[i]f a person or trustee fails to register or maintain registration of a trust or organization or fails to file reports as provided in this Act, the person or trustee is subject to injunction, to removal, to account, and to appropriate other relief." 760 ILCS 55/5(c) (West 2014).

¶ 26 The record in this cause is clear that defendant violated multiple sections of the Act.

¶ 27 Undeniably, defendant was the individual successor trustee of the trust at issue. The Attorney General attached a copy of the trust to its complaint naming defendant as such. In the

answer he eventually filed in response to the complaint, defendant not only verified that this was an accurate copy of the trust as amended, but he also admitted that he was the individual successor trustee of the trust and stated that he continues to be its trustee. These amounted to judicial admissions binding upon him. See *Konstant Products, Inc. v. Liberty Mutual Fire Insurance Co.*, 401 Ill. App. 3d 83, 86 (2010) (such formal admissions withdraw a fact from issue and obviate the need for proof of the fact, binding the party throughout the litigation); accord *Mitchell v. Village of Barrington*, 2016 IL App (1st) 153094, ¶ 33.

¶ 28 Having admitted to being the trust's trustee, defendant was inherently subject to the Act and its requirements. As we noted earlier, these include registering the trust with the Attorney General within a prescribed time, providing the Attorney General with a copy of the trust, and filing periodic annual written reports under oath describing the trust's assets and how he is administering them. See 760 ILCS 55/6(a), 7(a) (West 2014). Defendant did none of these. In his answer to the complaint, he refused to admit or deny the allegations that he failed to register the trust and file the required reports. Just like his admission that he was the trustee, his failure to deny these allegations of the complaint effected judicial admissions that he did not register and file reports as mandated by the Act. See *Parkway Bank and Trust Co. v. Korzen*, 2013 IL App (1st) 130380, ¶ 37, quoting *Gowdy v. Richter*, 20 Ill. App. 3d 514, 520 (1974) (" '[t]he failure of a defendant to explicitly deny a specific allegation in the complaint will be considered a judicial admission and will dispense with the need of submitting proof on the issue' "). What is more, the Attorney General supplemented the record with proof from its senior compliance officer of its Charitable Trust Bureau who certified that, upon a search, there was no record of

any registration of the trust nor any annual report filed by defendant. Clearly, no genuine issue of material fact remained that defendant violated the registration and reporting provisions of the Act.

¶ 29 The same is true with respect to the Act's mandates regarding self-dealing and conflicts of interest. See 760 ILCS 55/15(a)(1) (West 2014). As noted earlier, the Act requires that a trustee avoid these, so that he may fulfill his fiduciary duty "to carry out the trust according to its terms and to act with the highest degrees of fidelity and utmost good faith" toward its beneficiaries. *Fuller Family Holdings, LLC v. Northern Trust Co.*, 371 Ill. App. 3d 605, 615 (2007). Pursuant to the trust, following Helen's death in September 2010, defendant, as trustee, was to pay one of the sisters' friends $50,000 and then distribute the balance of the trust's assets 60% to the Fourth Presbyterian Church and 40% to the Rehabilitation Institute. As of late 2014, some four years after Helen's death, defendant had still not made any distributions as dictated by the trust. Instead, from as early as October 2008 and through December 2014, defendant made cash withdrawals and transfers of more than $300,000 from the trust into his own personal and business accounts, without any instructions in the trust for him to do so. He was also still taking $5,000 monthly from the trust as a flat "fee" for his "services" as trustee, continuing to do so even during litigation on this matter, again without any instructions for this in the trust. Accordingly, defendant failed to make the required distributions specified by the trust to its beneficiaries for years, but regularly made distributions to himself that were not specified by the trust. Clearly, and again, no genuine issue of material fact remained that defendant violated the Act's provisions against self-dealing.

¶ 30 Defendant makes several assertions to argue that the grant of summary judgment in the Attorney General's favor was not proper. However, none of them have any merit. For example, he points to a phrase in section 7 of the trust itself which states:

> "A trustee (other than a joint settlor) shall render an account of trust receipts and disbursements and a statement of assets at least annually to each adult beneficiary then entitled to receive or have the benefit of the income from the trust."

He interprets this phrase to mean that the only accounting required to be made under the trust is to "an adult beneficiary, *i.e.*, an individual," and because the Fourth Presbyterian Church and Rehabilitation Institute are not individuals, he was not required to make any accounting to them. This is incorrect, on many levels. Suffice it to say, the Act makes clear that its mandates and duties of registration, reporting, accounting and avoidance of self-dealing apply to any and every trustee holding a charitable trust over $4,000 (see 760 ILCS 55/2, 3 (West 2014)), and that they apply "regardless of any contrary provisions of any instrument" (760 ILCS 55/13 (West 2014)). Thus, even accepting defendant's interpretation of the phrase he isolates from an otherwise lengthy section 7 of the trust, his argument holds no water.

¶ 31 Likewise, his assertions that the Attorney General failed to present "competent, admissible evidence" and relied on "conclusions unsupported by a scintilla of evidence" also fail. First, we have already discussed that defendant effectively admitted he was the trustee and that he did not register the trust and file reports as required, in violation of several provisions of the Act. Defendant authenticated the amended copy of the trust presented by the Attorney General attached to its complaint, and he never specifically denied that he failed to register it and file

reports on it. Second, the Attorney General presented the trial court with a report from its senior compliance officer at its charitable trust bureau certifying that a search of its records found no registration of the trust and not a single report filed by defendant. Moreover, the Attorney General presented the court with records from the trust's monetary accounts, detailing the withdrawals and transfers defendant made to himself and demonstrating that, years after the surviving sister's death, he had yet to pay out the trust's assets to its beneficiaries, as clearly delineated in the trust. Contrary to defendant's claims, all this provided thorough and overwhelming evidence of his violations of the Act's requirements and provided a proper basis for the trial court's entry of summary judgment against him.

¶ 32 Further, defendant alleges that, because he eventually made the distributions of $586,436.09 in January 2015 to the Fourth Presbyterian Church and the Rehabilitation Institute, he "fulfilled" the trust's purpose and never intended to "obfuscate his duties as trustee." However, defendant never provided evidence that the money he did eventually distribute was all the money that the trust had remaining and that this money was all the beneficiaries were owed. He never provided any sort of accounting of how much was in the trust, at any point in time, after he became the individual successor trustee. Confounding this is the fact that bank records clearly show he took over $300,000 out of the trust for himself, and continued to take more on a regular basis throughout this litigation. That defendant paid out some money to the beneficiaries several years after the fact does little to support his argument that he did not violate the Act.

¶ 33 Finally, defendant asserts a procedural argument, insisting that summary judgment should not have been granted because the Attorney General never submitted an affidavit in

support of its motion and because the court did not hold "the requisite hearing" under section 16(b) of the Act. As with his other arguments, neither assertion is valid. Section 2-1005 of the Code allows a party to move for summary judgment "with or without supporting affidavits." 735 ILCS 5/2-1005 (West 2016). Moreover, section 16(b) of the Act does allow for a hearing at which "the trustees shall have an opportunity to be heard" upon a challenge by the Attorney General as to whether the trust needs protection from the trial court. See 760 ILCS 55/16(b) (West 2014). However, defendant never raised a supposed lack of such a hearing in the court below; thus, his assertion is waived. See, *e.g.*, *Twyman v. Department of Employment Security*, 2017 IL App (1st) 162367, ¶24. Even had he raised this as an issue, the record reveals that the trial court did hold such a hearing; actually, it held several hearings–three, to be precise–allowing defendant to speak. After granting summary judgment, and in discussing how to protect the trust, the trial court asked for the Attorney General's proposals as to potential receivers. It allowed defendant time to review the proposals before appointing the receiver. Then, at another hearing, after the receiver filed his report, the court allowed defendant time to review it and asked if he had any objections; defendant responded that the report was "very, very accurate and meets with everything" he knew. And, the court allowed defendant, at a subsequent hearing, to review the Attorney General's draft order, after which defendant again stated he had no objection. Other than to ask for more time, defendant never raised any viable issue during these hearings. Defendant's claim that the trial court did not hold a required section 16(b) hearing is, as the record shows, effectively disingenuous.

¶ 34 In sum, the record is clear that defendant, who was the admitted individual successor

trustee of the trust at issue, violated several provisions of the Act with his failure to register the trust with the Attorney General, his failure to file required written reports as to his distribution of its assets, and his failure to avoid self-dealing. Based on this, we find that the trial court's entry of summary judgment in favor of the Attorney General was wholly proper.

¶ 35 CONCLUSION

¶ 36 Accordingly, for all the foregoing reasons, we affirm the judgment of the trial court.

¶ 37 Affirmed.