

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

In the Matter of:

JEFFREY GERALD KENDALL,

Attorney-Respondent,

No. 6192484.

Commission No. 2021PR00040

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission (ARDC), by his attorney, Michael Rusch, pursuant to Supreme Court Rule 753(b), complains of Respondent, Jeffrey Gerald Kendall, who was licensed to practice law in Illinois on May 8, 1986, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

COUNT I
(Inappropriate sexual relationship with client)

1. In April 2018, and at all times alleged in this complaint, Respondent practiced law in a partnership with Ernest DiBenedetto in a law firm known as DiBenedetto & Kendall, P.C., which concentrated its practice in the representation of individuals who had been accused of criminal conduct. Mr. DiBenedetto, not Respondent was the firm's managing partner.

2. In 2017, the State's Attorney of DuPage County charged Mariam Gembala ("Gembala") with the misdemeanor offense of criminal damage to property. The matter was docketed by the clerk of the circuit court as, *People v. Mariam Gembala*, DuPage County case number 17 CM 2718.

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ARDC Clerk

3. In April 2018, Respondent met with Gembala and she and Respondent agreed that Respondent would represent Gembala in matters relating to the defense of the pending criminal case in DuPage County.

4. On or about April 26, 2018, Respondent appeared in DuPage County Circuit Court and filed his appearance as counsel for Gembala. At the time Respondent agreed to represent Gembala, he did not have an ongoing sexual relationship with her.

5. In May 2018, Respondent began to have sexual relations with Gembala, while he was still representing her in case number 17 CM 2718.

6. Between April 26, 2018 and April 17, 2019, Respondent represented Gembala in case number 17 CM 2718 by appearing in court, filing pre-trial motions, and arguing motions which resulted in the DuPage County State's Attorney's office moving to dismiss the matter. Subsequent to the dismissal of the criminal charges, Respondent filed a petition to expunge the criminal matter from Gembala's record, which was granted.

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

- a. engaging in a sexual relationship with his client, Mariam Gembala, after the client-lawyer relationship commenced, in violation of Rule 1.8(j) of the Illinois Rules of Professional Conduct (2010).

COUNT II
(False statements to condominium owner)

8. On or about January 2019, Gembala was unemployed and told Respondent she was looking to obtain a residential lease on a condominium in Lombard with a monthly rent of \$1,400. Respondent knew that Gembala was unemployed at the time he wrote the letter and that her employment history included being a pizza delivery person.

9. On or about January 2019, Gembala requested that Respondent falsely claim to be her employer in a work verification letter addressed to her prospective landlord so that Gembala could obtain the residential lease.

10. Respondent agreed to assist Gembala, and on January 30, 2019, Respondent prepared what purported to be an employment verification letter that Respondent caused to be printed on the letterhead stationary of the DiBenedetto & Kendall firm and sent that letter via his law firm email address to the prospective landlord. Respondent knew that the prospective landlord would rely on the information contained in the letter in assessing Gembala's eligibility to rent the condominium and that the information Respondent provided in the letter was material to the landlord's decision.

11. Respondent's verification letter stated:

I am one of the managing partners at DiBenedetto & Kendall, P.C.. Please allow this letter to serve as employment verification for Mariam Iqbal Gembala. Mariam's current salary is \$40,000.00 per year. She is paid biweekly on the 1st and 15th of every month.

If you have any further questions or concerns please feel free to contact me directly.

Jeffrey G. Kendall
Managing Partner
DiBenedetto & Kendall, P.C.

12. Based on Respondent's representation that Gembala was employed with DiBenedetto & Kendall, P.C. the landlord rented the unit to Gembala.

13. Respondent's statements in the purported letter concerning his position at the firm, Gembala's employment at the firm, and her purported salary were false. Respondent was not the firm's managing partner at the time he prepared the letter, nor was Gembala employed at the firm

with an annual salary of \$40,000, or any amount, nor did the firm pay her any money, on a bi-weekly basis or otherwise.

14. Respondent knew his statements in the January 30, 2019, letter to be false when he made them. Respondent knew that Gembala was never employed at the law firm of DiBenedetto & Kendall, P.C., that she did not earn a salary of \$40,0000 per year, that she was not paid on a bi-weekly basis, and that Respondent was not the managing partner of DiBenedetto & Kendall, P.C.

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

- a. conduct involving dishonesty, fraud, deceit, or misrepresentation, by conduct including, making false statements to the landlord about his own responsibilities at the DiBenedetto and Kendall firm, about Gembala's purported employment at that firm, about her salary, and about the frequency of payments due to Gembala, all in order to influence the owner to lease a condominium to Gembala, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator requests that this matter be assigned to a panel of the Hearing Board, that a hearing be held, and that the panel make findings of fact, conclusions of fact and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ Michael Rusch

Michael Rusch

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