

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

In the Matter of:

KEVIN PATRICK WENDORF,

Attorney-Respondent,

No. 6287655.

Comm. No. 2018PR00079

NOTICE OF FILING

TO: Jonathan M. Wier
jwier@iardc.org

ARDC eService
ARDCeService@iardc.org

PLEASE TAKE NOTICE that on January 17, 2023, I filed the attached Answer to the Administrator’s Second Amended Complaint with the Clerk of the Attorney Registration and Disciplinary Commission in Chicago, Illinois, a copy of which is hereby served upon you.

/s/ James A. Doppke, Jr.

BY: James A. Doppke, Jr.

Counsel for Respondent

PROOF OF SERVICE

The undersigned attorney hereby certifies that he served the above Notice of Filing and attached Answer to the Administrator’s Second Amended Complaint to the addresses listed above by emailing them to the email addresses listed above on January 9, 2023, before 11:59 p.m.

/s/ James A. Doppke, Jr.

BY: James A. Doppke, Jr.

Counsel for Respondent

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ANSWER TO THE ADMINISTRATOR’S SECOND AMENDED COMPLAINT

Kevin Patrick Wendorf, Respondent, by his attorney, James A. Doppke, Jr. of Robinson, Stewart, Montgomery & Doppke, LLC, answers the Second Amended Complaint filed by the Administrator in this matter, as follows:

Alleged Criminal Conduct – Alleged Battery of L.T.

1. At all times alleged in this complaint, there was in effect a criminal statute in Illinois, 720 ILCS 5/12-3, which provides, “Battery. (a) A person commits battery if he intentionally or knowingly without legal justification and by any means, (1) causes harm to an individual or (2) makes physical contact of an insulting or provoking nature with an individual.”

ANSWER: Respondent admits the allegations contained in paragraph 1.

2. On or about April 30, 2017, L.T. was arrested and charged with retail theft.

ANSWER: Respondent admits the allegations contained in paragraph 2 upon information and belief.

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3. On or about April 30, 2017, L.T. telephoned attorney George Kallas, who had represented her in two prior legal matters, and left him a message asking if he would represent her relating to her April 30, 2017 arrest.

ANSWER: Respondent admits the allegations contained in paragraph 3 upon information and belief.

4. Respondent rented an office from Kallas and, as a result, they officed in the same suite. Respondent returned L.T.'s phone message on April 30, 2017 and told L.T. that Kallas was not available. Respondent told L.T. that Kallas had asked him to meet with L.T. on May 1, 2017 regarding her case and to collect a down payment of \$500 towards Kallas' \$2,500 retainer.

ANSWER: Respondent admits the allegations contained in the first sentence of paragraph 4. Respondent admits the allegations contained in the second sentence of paragraph 4, and, further answering, affirmatively states that he made contact with L.T. on April 30, 2017 at Kallas' request.

5. On May 1, 2017, Respondent met with L.T. at his office. L.T. gave Respondent \$500, and he asked L.T. to sign a fee agreement. L.T. signed the agreement, and Respondent dated the agreement May 1, 2017 and signed the agreement with his initials "KPW." L.T. told Respondent that she had recently lost her job, that her home was in foreclosure and that she was living with friends. Respondent also discussed with L.T. some other pending legal matters in which L.T. was involved. L.T. asked Respondent to assist her in obtaining a copy of a responsive pleading in a pending civil case, and Respondent agreed to get information for her about that matter.

ANSWER: Respondent admits the allegations contained in the first sentence of paragraph 5, and further answering, affirmatively states that he did so at Kallas' request. Respondent admits the allegations contained in the second sentence of paragraph 5, except any allegations to the effect that the \$500 represented a payment to Respondent, or that Respondent was a party to the fee agreement signed by L.T., which allegations Respondent denies. Respondent admits the remaining allegations contained in paragraph 5.

6. Between May 1, 2017, and May 20, 2017, Respondent sent L.T. several texts asking her how she was feeling, inquiring about her mental state, and asking her to call him. Respondent also advised L.T. in a text that one of her medications, Ambien, is a medication that causes people to sleepwalk. During this period, Respondent and L.T. also spoke on the telephone and he asked her to meet him for breakfast or lunch, which she declined.

ANSWER: Respondent admits the allegations contained in paragraph 6.

7. Respondent asked L.T. to meet him at his office on Saturday, May 20, 2017, at 4:45 p.m. to discuss her matter. Respondent and L.T. met at Respondent's office on May 20, 2017.

ANSWER: Respondent admits the allegations contained in paragraph 7.

8. When L.T. arrived at Respondent's office building on May 20, 2017, Respondent was waiting for her in his car. Respondent used his keys to unlock and enter the building and his office suite. Respondent and L.T. were the only people present in Respondent's office. Respondent started the meeting by accessing L.T.'s records on the DuPage County Courts website. He pulled a second chair close to him so that he and L.T. could review the records together. As they finished their review, Respondent put his arm around her and touched her arm

and legs. Respondent complimented her earrings and touched her hair, telling her how attractive she was to him. L.T. stood up with the intention of leaving and Respondent pulled her onto his lap and began massaging her shoulders.

ANSWER: Respondent admits the allegations contained in the first sentence of paragraph 8. Respondent admits the allegations contained in the second sentence of paragraph 8. Respondent admits the allegations contained in the third sentence of paragraph 8. Respondent admits the allegations contained in the fourth sentence of paragraph 8. Respondent admits the allegations contained in the fifth sentence of paragraph 8. Respondent admits the allegations contained in the sixth sentence of paragraph 8. Respondent denies the allegations contained in the seventh sentence of paragraph 8. Respondent denies the allegations contained in the eighth sentence of paragraph 8.

9. On May 21, 2017, L.T. went to the Glen Ellyn Police Department to make a complaint regarding incidents that occurred during her meeting with Respondent on May 20, 2017. L.T. recounted the events of May 20, 2017 and told Officer Sculto that Respondent had led her to a couch in another room and took off his suit coat and her jacket. L.T. told Officer Sculto that Respondent exposed his penis to her and that he had pulled her hand towards him and forced her hand to touch his penis. L.T. claimed that after Respondent ejaculated, he pulled up his pants, and they exited the building at the same time. L.T. told Officer Sculto that Respondent said he would call her and got into his car and left.

ANSWER: Respondent admits the allegations contained in the first sentence of paragraph 9 upon information and belief. Respondent admits that L.T. made the statements and

claims to Officer Sculto that are described in the remaining allegations contained in paragraph 9, upon information and belief. Respondent denies all remaining allegations contained in paragraph 9.

10. On July 26, 2018, a misdemeanor criminal complaint was filed in the Circuit Court of the Eighteenth Judicial Circuit against Respondent, entitled *People of the State of Illinois v. Kevin Wendorf*, case number 18 CM 1626, charging Respondent with battery based on the events described in paragraphs 8 and 9 above, in violation of 720 ILCS 5/12-3(a)(2). On April 7, 2021, Respondent pled not guilty to the charge.

ANSWER: Respondent admits the allegations contained in paragraph 10, except that Respondent denies that the events described in the seventh and eighth sentences of paragraph 8, and in the statements and claims made by L.T. to Officer Sculto as set forth in paragraph 9, occurred.

11. On May 24, 2021, the State's Attorney for DuPage County filed a superseding information on count 1 and informations on counts 2 through 5. Each count alleged that on May 20, 2017, Respondent committed the offense of battery against L.T. Count 1 alleged that Respondent had ejaculated on the clothing of L.T. Count 2 alleged that Respondent had grabbed L.T. about the body. Count 3 alleged that Respondent had caused L.T. pain by grabbing her about 4 the body. Count 4 alleged that Respondent had bit L.T. about the body. Count 5 alleged that Respondent had caused L.T. pain by biting her about the body. On June 15, 2021, Respondent pled not guilty as to the informations and superseding information.

ANSWER: Respondent admits the allegations contained in paragraph 11.

12. On September 28, 2022, after the State presented its case-in-chief, Judge Robert A. Miller granted the Respondent's motion for a directed finding as to counts 3 and 5. Following a bench trial, Judge Miller found Respondent not guilty as to counts 1 and 4. The Court found Respondent guilty of count 2, which alleged battery and making physical contact of an insulting or provoking nature, in violation of 720 ILCS 5/12-3(a)(2), for grabbing L.T. about her body. The Court continued the matter until November 4, 2022 for sentencing.

ANSWER: Respondent admits the allegations contained in paragraph 12.

13. On November 4, 2022, the Court sentenced Respondent to court supervision for a term of one year.

ANSWER: Respondent admits the allegations contained in paragraph 13.

14. As a result of the conduct set forth above, Respondent has engaged in the following misconduct:

- a. committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, by committing the offense of battery in violation of 720 ILCS 5/12-3(a)(2), in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010).

ANSWER: The allegations contained in paragraph 14 constitute legal conclusions.

Therefore, no answer is required.

RESPONDENT'S DISCLOSURE PURSUANT TO COMMISSION RULE 231

1. Respondent is admitted to practice law in the State of Illinois. He is also admitted to the General Bar for the District Court for the Northern District of Illinois.

2. Respondent currently holds no other professional licenses other than his license to practice law.

Respectfully submitted,

/s/ James A. Doppke, Jr.

BY: James A. Doppke, Jr.

Counsel for Respondent

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