

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

FILED
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ARDC Clerk

In the Matter of:

MICHAEL JOHN RIES,

Attorney-Respondent,

No. 6244774.

Commission No. 2021PR00090

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Albert S. Krawczyk, pursuant to Supreme Court Rule 753 and 761, complains of Respondent, Michael John Ries, who was licensed to practice law in the State of Illinois on May 7, 1998, and alleges that Respondent has engaged in the following conduct which subjects Respondent to discipline pursuant to Supreme Court Rule 770:

COUNT I

(October 21, 2016, Domestic Battery and Interference with Reporting Domestic Violence)

1. On October 21, 2016, at or about 11:45 p.m., during an altercation between Respondent and his spouse, Stacey Ann Ries (“Stacey”), at their home in Oswego, Illinois, Stacey attempted to call 9-1-1 emergency services. At or about that time, Respondent took a handset telephone that Stacey obtained from the kitchen of their home from Stacey’s hand and then took a second telephone that Stacey obtained from the first floor from her. After Stacey retrieved her cellphone, Respondent pushed her and wrestled her into a coat closet, grabbed her arms and hands, and pulled the cellphone from her hand, causing abrasions to her right thumb.

2. On October 22, 2016, a three-count misdemeanor complaint was signed by Oswego Police, and on October 25, 2016, filed against Respondent in the Circuit Court for the Twenty-

Third Judicial Circuit, Kendall County, Illinois. Count One of the complaint alleged that on October 22, 2016, Respondent committed the offense of domestic battery, in that he made physical contact of a provoking nature with Stacey, his spouse, in that he pushed and wrestled her in an attempt to get a phone from her hand, in violation of 720 ILCS 5/12-3.2(a)(2), a Class A misdemeanor, punishable by imprisonment of less than one year. Count Two alleged that Respondent committed the offense of domestic battery, in that he caused bodily harm to Stacey, his spouse, in that he took a phone from her causing abrasions to her right thumb, in violation of 720 ILCS 5/12-3.2(a)(1). Count Three alleged that Respondent committed the offense of interference with reporting domestic violence, in that after committing the act of domestic battery, he prevented Stacey from calling a 9-1-1 emergency telephone system, in violation of 720 ILCS 5/12-6.3(a), a Class A misdemeanor. The clerk of the court docketed the matter as *The People of the State of Illinois vs. Michael J. Ries*, case number 16 CM 878 (23rd Judicial Circuit, Kendall County).

3. On February 21, 2018, Respondent entered a plea of guilty to the offenses of domestic battery and interference with reporting domestic violence as charged in Count One and Count Three of the complaint in case number 16 CM 878. The Honorable Timothy J. McCann entered a finding of guilty and sentenced Respondent to probation for a period of 18 months, with conditions including completion of an alcohol and drug evaluation and Kendall County Domestic Violence Offender Counseling. The domestic battery charge in Count Two was dismissed by *nolle prosequi*. Judge McCann also ordered that Respondent pay a fine of \$750 and court costs and to have no harmful or offensive contact with Stacey.

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

committing criminal acts that reflect adversely on his honesty, trustworthiness or fitness as a lawyer in other respects, by conduct including the commission of the criminal offenses of domestic battery (720 ILCS 5/12-3.2(a)(1)) and interference with reporting domestic violence (720 ILCS 5/12-6.3(a)), in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(January 22, 2017, Violation of Order of Protection)

5. The Administrator realleges the facts set forth in paragraphs one through three of Count I, above.

6. On October 24, 2016, Stacey, by her attorney, filed a verified petition for order of protection against Respondent in the Twenty-Third Judicial Circuit, Kendall County. In the petition, Stacey detailed 13 distinct acts of domestic violence that Respondent committed against her or their minor children and described a multi-year pattern and practice of abuse since 2013, including the incident on October 21, 2016. The clerk of the court docketed the matter as *Stacey A. Ries vs. Michael J. Ries*, case number 16 OP 301 (23rd Judicial Circuit, Kendall County).

7. On October 24, 2016, the Honorable Stephen L. Krentz entered an emergency order of protection in case number 16 OP 301 in effect until November 9, 2016, prohibiting, among other things, Respondent from physical abusing, harassing, interfering with the personal liberty of, or stalking Stacey or their children, granting exclusive possession of the Oswego residence to Stacey, and prohibiting Respondent from entering or remaining in the household or premises of the residence. Respondent was served with a copy of the order of protection on that date.

8. On November 1, 2016, Stacey, by her attorney, filed a petition for dissolution of marriage against Respondent in the Twenty-Third Judicial Circuit, Kendall County. The clerk of the court docketed the matter as *Stacey A. Ries vs. Michael J. Ries*, case number 16 D 364 (23rd Judicial Circuit, Kendall County).

9. On November 9, 2016, Judge Krentz entered a domestic violence act order in case number 16 OP 301 consolidating case number 16 OP 301 with case number 16 D 364, extending the emergency order of protection until December 14, 2016, and modifying the terms of the order of protection to allow limited visitation and contact between Respondent and his children. Thereafter, Judge Krentz entered an order extending the order of protection against Respondent to January 24, 2017.

10. On January 22, 2017, at or about 10:10 a.m., during Respondent's contact with Stacey at a Starbuck's restaurant in Oswego for Respondent to pick up their children from her, Stacey handed a stack of Respondent's mail that had come to Stacey's residence to Respondent, and Respondent took the mail and flipped it towards Stacey's face, striking the underside of her chin.

11. On January 23, 2017, a two-count misdemeanor complaint was filed against Respondent in the Circuit Court for the Twenty-Third Judicial Circuit, Kendall County. Count One of the complaint alleged that on January 22, 2017, Respondent committed the offense of domestic battery, in that he knowingly made contact of an insulting nature with Stacey, in that he flipped mail in Stacey's face making contact with her chin, in violation of 720 ILCS 5/12-3.2(a)(2), a Class A misdemeanor. Count Two alleged that Respondent committed the offense of violation of order of protection, in that he knowingly violated the order of protection in case number 16 OP 301, after having been served notice of the order, by committing an act of physical abuse when he flipped mail in Stacey's face making contact with her chin, in violation of 720 ILCS 5/12-3.4, a Class A misdemeanor. The clerk of the court docketed the matter as *The People of the State of Illinois vs. Michael J. Ries*, case number 17 CM 32 (23rd Judicial Circuit, Kendall County).

12. On February 21, 2018, Respondent entered a plea of guilty to the offense of violation of order of protection as charged in Count Two of the complaint in case number 17 CM 32. Judge McCann entered a finding of guilty and sentenced Respondent to probation for a period of 18 months, to run concurrent with the sentence the judge imposed in case number 16 CM 878, with the same conditions, fine and court costs. The domestic battery charge in Count One was dismissed by *nolle prosequi*.

13. On June 26, 2019, at a status hearing in case number 16 CM 878 and case number 17 CM 32, the Honorable Robert P. Pilmer entered orders terminating Respondent's probation satisfactorily in both cases.

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

committing a criminal act that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in other respects, by conduct including the commission of the criminal offense of violation of order of protection (720 ILCS 5/12-3.4), in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010).

COUNT III

(June 26, 2017, Criminal Damage to Property and Violating a Foreign Protection Order)

15. The Administrator realleges the facts set forth in paragraphs one through three of Count I, and paragraphs six through 13 of Count II, above.

16. On March 2, 2017, Judge Krentz entered a plenary order of protection against Respondent in case number 16 D 364.

17. On June 26, 2017, at or after 5:00 p.m., while Stacey was at the Grand Geneva Resort in Lyons, Wisconsin, for her daughter's dance competition, Respondent was seen by a resort employee in the parking lot of the Grand Geneva Resort place something on the tire of a

motor vehicle later identified as owned by Stacey, which upon inspection was determined to be a nail stuck in the tire. Upon questioning by an officer of the Walworth County Sheriff's Office, Respondent admitted that the vehicle belonged to his wife Stacey, that they were going through a divorce and there was an order of protection against him in Illinois, and that he placed nails there to flatten the tires of her car.

18. On June 29, 2017, a three-count criminal complaint was filed against Respondent in the Circuit Court of Walworth County, Wisconsin. Count One of the complaint alleged that on June 26, 2017, Respondent committed the offense of criminal damage to property, in that he intentionally caused damage to the physical property of another without that person's consent, contrary to sec. 943.01(1), 973.055(1) Wis. Stats., a Class A misdemeanor, which, under Wisconsin law, was punishable by imprisonment of not more than nine months and, because the charge was an act of domestic abuse, subject to a domestic abuse assessment of \$100. Count Two alleged that Respondent committed the offense of violating a foreign protection order, in that he knowingly violated a condition of a foreign protection order or modification of a foreign protection order that was entitled to full faith and credit in Wisconsin, contrary to sec. 813.128(2) Wis. Stats., a Class A misdemeanor. Count Three alleged that Respondent committed the offense of disorderly conduct, in that, while in a private or public place, he engaged in abusive, boisterous, indecent, profane, violent, unreasonably loud or otherwise disorderly conduct, under circumstances in which such conduct tended to cause or provoke a disturbance, contrary to sec. 947.01(1), 973.055(1) Wis. Stats., a Class B misdemeanor, which, under Wisconsin law, was punishable by imprisonment of not more than 90 days, and also subject to a domestic abuse assessment of \$100. The clerk of the court docketed the matter as *State of Wisconsin vs. Michael J. Ries*, case number 2017CM000390 (Walworth County Circuit Court).

19. On July 9, 2018, Respondent entered a plea of guilty to the offenses of criminal damage to property and violating a foreign protection order as charged in Count One and Count Two of the complaint in case number 2017CM000390. The Honorable Phillip A. Koss entered a judgment of conviction and sentenced Respondent to five months in jail, with the sentence stayed by probation for a period of two years, pending completion of 10 days in jail (with four days credit for time served), and with conditions including counseling, submitting a DNA sample for the state lab database, and having no contact with Stacey or her residence or place of employment without her consent. The disorderly conduct charge in Count Three was dismissed.

20. On July 16, 2020, a notice of case status change was entered in case number 2017CM000390, signifying that Respondent had successfully completed the term of probation in the matter.

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

committing criminal acts that reflect adversely on his honesty, trustworthiness or fitness as a lawyer in other respects, by conduct including the commission of the criminal offenses of criminal damage to property (sec. 943.01(1), 973.055(1) Wis. Stats.), and violating a foreign protection order (sec. 813.128(2) Wis. Stats.), in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010).

COUNT IV

*(February 16, 2018, Operating a Motor Vehicle
with a Blood Alcohol Concentration of Over 0.08)*

22. On February 16, 2018, at or about 2:25 a.m., Respondent, while traveling from the Chicago area to Pestigo, Wisconsin, to visit his mother, was seen operating a motor vehicle that was unable to maintain its lane of traffic on Interstate 43 at Pioneer Road in Grafton, Wisconsin. An officer of the Ozaukee County Sheriff's Office was dispatched to the area and observed the

vehicle operated by Respondent weaving drastically in the right lane of traffic, crossing the solid line on the right and drifting across the center line, at speeds varying from 40 miles per hour to 70 miles per hour. After the officer's siren was activated, Respondent traveled about 300 yards before he stopped his vehicle.

23. After Respondent stopped his vehicle, as described in paragraph 22, above, the officer observed Respondent's speech to be very thick and slow, his eyes to be glossy and somewhat bloodshot, and a strong odor of intoxicants emanating from Respondent's person. Upon completion of field sobriety tests, the officer placed Respondent under arrest. At or about that time, Respondent refused to submit to a portable breath test.

24. After his arrest on February 16, 2018, Respondent was transported to Aurora Medical Center, and, after a search warrant was obtained, two vials of blood were drawn from Respondent's left arm. The results of a subsequent test of the blood showed a blood-alcohol concentration of 0.13 at the time it was drawn.

25. As a result of the incident on February 16, 2018, Respondent was charged in the Ozaukee County Circuit Court in Wisconsin, with three violations. On February 16, 2018, Respondent was charged with refusing to take a test for intoxication after arrest, contrary to sec. 343.305(9)(a) Wis. Stats., which provided for revocation of the person's privilege to operate a motor vehicle for one year for a first improper refusal. On February 19, 2018, Respondent was charged with the offense of operating a motor vehicle while under the influence of an intoxicant or controlled substance, contrary to sec. 346.63(1)(a) Wis. Stats., which was punishable by a fine for a first offense. On March 8, 2018, Respondent was charged with the offense of operating a motor vehicle with a prohibited alcohol concentration of over 0.08 but less than 0.15 (1st offense), contrary to sec. 346.63(1)(b) Wis. Stats., which was punishable by a fine. The matters were

docketed as *Ozaukee County vs. Michael J. Ries*, case numbers 2018TR000446, 2018TR000453 and 2018TR000682 (Ozaukee County Circuit Court).

26. On November 21, 2018, Respondent entered a plea of guilty to the offense of operating a motor vehicle with a prohibited alcohol concentration of over 0.08 as charged in case number 2018TR000682. The Honorable Joseph W. Voiland entered a judgment of conviction and sentenced Respondent to pay a fine of \$388 and court costs of \$599.50, or a total of \$1,000.50. Judge Voiland dismissed the operating a motor vehicle while under the influence charge in case number 2018TR000453 on the prosecutor's motion.

27. On May 14, 2019, after a hearing, the Honorable John R. Storck, entered a judgment of conviction on the charge of refusing to take a test for intoxication after arrest in case number 2018TR000446, revoked Respondent's driving privileges for 12 months (with eligibility for an occupational license after the first 30 days), ordered Respondent to install an ignition interlock device on his vehicle, and ordered Respondent to comply with an intoxicated driver assessment and safety plan.

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

committing a criminal act that reflect adversely on his honesty, trustworthiness or fitness as a lawyer in other respects, by conduct including the commission of the criminal offense of operating a motor vehicle with a prohibited alcohol concentration of over 0.08 but less than 0.15 (sec. 346.63(1)(b) Wis. Stats.), in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010).

COUNT V

(Failure to Keep Client Informed, Failure to Deliver Funds and Dishonesty in Connection with NeuroVision's '426 Canadian Patent Application)

29. On January 28, 2003, the United States Patent and Trademark Office (“USPTO”) registered Respondent as a patent attorney (Registration No. 53,518), and, beginning in or about 2009, Respondent and NeuroVision Imaging, LLC, also known as Neuro Vision Imaging (“NeuroVision”), and the named inventor, its Chief Executive Officer (“CEO”), Steven Verdooner (“Verdooner”), agreed that Respondent would represent NeuroVision and Verdooner in connection with a number of domestic and foreign patent matters before the USPTO or the Canadian Intellectual Property Office, sometimes referred to as the Canadian Patent Office (“CIPO”).

30. In or before March 2016, Respondent and NeuroVision agreed that Respondent would coordinate with a Canadian patent practitioner regarding NeuroVision’s Canadian patent applications, and Respondent contacted several Canadian patent agents about the applications.

31. On March 2, 2016, Respondent, in reference to NeuroVision’s Canadian Patent Application No. 2,841, 426 (“the ‘426 application”), “Apparatus and Method for Identifying One or More Amyloid Beta Plaques in a Plurality of Discrete Oct Retinal Layers,” stated in an email to Jennifer Hart (“Hart”), NeuroVision’s Product Manager, that “. . . [t]here is a renewal fee with a legal deadline of March 28, 2016 with a cost of \$1375.00.”

32. At no time did Respondent provide NeuroVision with an explanation of the breakdown of the \$1,375, described in paragraph 31, above, as to the amount to be paid to himself, the amount to be paid to any Canadian patent practitioner, or the amount of the Canadian government filing fees payable to CIPO.

33. On March 2, 2016, Hart replied to Respondent in an email, instructing him to proceed with payment, that Joanna Ross (“Ross”), NeuroVision’s Director of Finance and Administration, would issue a check, and that Respondent should send her “official confirmations for all payments.”

34. On or about March 8, 2016, Respondent received check number 6189 dated March 8, 2016, from NeuroVision made payable to Respondent in the amount of \$1,375. Respondent endorsed and cashed the check. At no time did Respondent confirm receipt of the payment.

35. On March 18, 2016, Respondent, in reference to the ‘426 application, again emailed Hart stating, “Renewal fee with legal deadline March 28, 2016 cost I am still getting the cost estimate, cost is \$2500.”

36. At no time did Respondent provide NeuroVision with an explanation of the breakdown of the \$2,500, described in paragraph 35, above, as to the amount to be paid to himself, the amount to be paid to any Canadian patent practitioner, or the amount of the Canadian government filing fees payable to CIPO.

37. On March 18, 2016, Hart replied to Respondent in an email, telling him to proceed and that she will have Ross send a check.

38. On March 21, 2016, Respondent contacted Valerie Gene Edward (“Edward”), a Barrister, Solicitor and Canadian Patent and Trademark Agent with Ballagh & Edward, LLP, of Hamilton, Ontario, Canada, to assume management of the ‘426 application and NeuroVision’s Canadian Patent Application No. 2,793,874 (“the ‘874 application”), “Apparatus and Method for Imaging an Eye.” At that time, Respondent informed Edward that her services were needed on an urgent basis, as the patent applications had become abandoned for failure to pay maintenance fees, and that the applications would lapse irrevocably if action was not taken by March 22, 2016, and,

under the circumstances, Edward did not request a financial retainer from Respondent in advance of her services and Respondent did not advance any funds to Edward.

39. On March 22, 2016, Respondent emailed status notes from a prior agent to Edward, which stated in connection with the '426 application, "[t]his case is currently abandoned for failure to submit the renewal fee due by 28 March 2015. A Rinstatement [sic] petition is available until 28 March 2016 by which act the case will be restored to active status but not otherwise."

40. On March 23, 2016, Respondent emailed a Revocation & Appointment of Agent form dated March 23, 2016, to Edward, purportedly signed by Verdooner revoking previous appointments of agent and appointing Edward as his agent for the purposes of conducting business before the Canadian Patent Office in connection with the '426 application, and Respondent instructed Edward to attend to the reinstatement of the patent applications by payment to the CIPO of the reinstatement fees and outstanding maintenance fees.

41. The Revocation & Appointment of Agent form dated March 23, 2016, that Respondent provided to Edward was false. The form was purportedly executed by Verdooner at "Granite City;" however, Verdooner's home residence was in Granite Bay, California at the time, and, at no time did Verdooner sign or authorize anyone else to sign his name to the form.

42. Respondent knew that the Revocation & Appointment of Agent form dated March 23, 2016, was false, because he was aware that neither he, nor anyone else on his behalf, had presented the form to Verdooner or anyone else at NeuroVision for Verdooner's signature.

43. On or about March 23, 2016, Respondent received check number 6199 dated March 23, 2016, from NeuroVision made payable to Respondent in the amount of \$2,500. Respondent endorsed and cashed the check. At no time did Respondent confirm receipt of the payment or

explain to Hart why NeuroVision owed a renewal fee of \$2,500 in addition to the \$1,375 already paid, for a total amount requested of \$3,875.

44. On March 24, 2016, Edward filed the Revocation & Appointment of Agent form dated March 23, 2016, with the CIPO and paid the maintenance and reinstatement fees to have the '426 application reinstated, and, on March 30, 2016, Edward notified Respondent by email that the next maintenance fee was due on March 22, 2017.

45. On March 30, 2016, Edward provided to Respondent an invoice for her firm's services in connection with the '426 application requesting a total payment of \$700 for the firm's fees, the maintenance and reinstatement fees paid to the CIPO, and other expenses.

46. In April 2016, NeuroVision terminated Respondent as its attorney, and, in May 2016, hired new counsel regarding the '426 application.

47. As of March 2016, Respondent had received a total of \$3,875 from NeuroVision for his fees, Edward's fees, and the patent application maintenance and reinstatement fees for the '426 application, but at no time did Respondent provide an accounting of the monies that NeuroVision had paid to him regarding the application.

48. Beginning in or about 2016, Edward sent multiple reminders to Respondent by regular mail and email and left telephone messages for Respondent to call her about the outstanding invoice in connection with the '426 application, but at no time before October 2018 did Respondent contact Edward about the invoice, make any payment to Edward or her firm, or forward any funds to NeuroVision's new counsel to pay Edward.

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

- a. failing to keep the client reasonably informed about the status of the matter and to promptly comply with reasonable requests for information, by conduct including failing to confirm receipt of payments from NeuroVision regarding the '426 application and failing to explain the breakdown or provide an accounting of the funds that he received in connection with that application, in violation of Rule 1.4(a)(3) and (4) of the Illinois Rules of Professional Conduct (2010);
- b. failing to promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive, by conduct including failing to promptly deliver funds to Valerie G. Edward and her firm that she and her firm were entitled to receive from the \$3,875 that Respondent received from NeuroVision in connection with the '426 application, in violation of Rule 1.15(d) of the Illinois Rules of Professional Conduct (2010); and
- c. engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, by conduct including submitting a Revocation & Appointment of Agent form with a false signature to Valerie G. Edward to file with the CIPO in connection with the '426 application, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT VI

(Failure to Keep Client Informed, Failure to Deliver Funds and Dishonesty in Connection with NeuroVision's '874 Canadian Patent Application)

50. The Administrator realleges the facts set forth in paragraphs 29 through 48 of Count V, above.

51. On March 18, 2016, Respondent, in reference to the '874 application, emailed Hart stating that the “[r]enewal fee and [e]xamination fee legal deadline March 22 2016 cost is \$2,275.00.”

52. At no time did Respondent provide NeuroVision with an explanation of the breakdown of the \$2,275, described in paragraph 51, above, as to the amount to be paid to himself, the amount to be paid to any Canadian patent practitioner, or the amount of the Canadian government filing fees payable to CIPO.

53. On March 21, 2016, Hart replied to Respondent in an email, telling him to make the payment and that she would have a check sent to him.

54. On March 21, 2016, after Respondent contacted Edward to assume management of the '426 application and the '874 application, Respondent emailed a Revocation & Appointment of Agent form dated March 21, 2016, to Edward, purportedly signed by Verdooner as CEO of NeuroVision revoking previous appointments of agent and appointing Edward as NeuroVision's agent for the purposes of conducting business before the Canadian Patent Office in connection with the '874 application.

55. The Revocation & Appointment of Agent form dated March 21, 2016, that Respondent provided to Edward was false. At no time did Verdooner sign or authorize anyone else to sign his name to the form.

56. Respondent knew that the Revocation & Appointment of Agent form dated March 21, 2016, was false, because he was aware that neither he, nor anyone else on his behalf, had presented the form to Verdooner or anyone else at NeuroVision for Verdooner's signature.

57. On March 22, 2016, Respondent emailed status notes from a prior agent to Edward, which stated in connection with the '874 application, "[t]his case is currently abandoned for failure to submit the renewal fee due by 22 March 2015."

58. On March 22, 2016, Edward filed the Revocation & Appointment of Agent form dated March 21, 2016, with the CIPO and paid the maintenance and reinstatement fees to have the '874 application reinstated, and, on March 23, 2016, Edward notified Respondent by email that the next maintenance fee was due on March 22, 2017.

59. On March 23, 2016, Edward provided to Respondent an invoice for her firm's services in connection with the '874 application requesting a total payment of \$700 for the firm's

fees, the maintenance and reinstatement fees paid to the CIPO, and other expenses, and, on May 2, 2016, an updated invoice requesting a total payment of \$750.

60. On or about March 25, 2016, Respondent received check number 6195 dated March 15, 2016, from NeuroVision made payable to Respondent in the amount of \$2,275. Respondent endorsed and cashed the check. At no time did Respondent confirm receipt of the payment.

61. In April 2016, NeuroVision terminated Respondent as its attorney, and, in May 2016, hired new counsel regarding the '874 application.

62. As of March 2016, Respondent had received \$2,275 from NeuroVision for his fees, Edward's fees, and the patent application maintenance and reinstatement fees for the '874 application, but at no time did Respondent provide an accounting of the monies that NeuroVision had paid to him regarding the application.

63. Beginning in or about 2016, Edward sent multiple reminders to Respondent by regular mail and email and left telephone messages for Respondent to call her about the outstanding invoice in connection with the '874 application, but at no time before October 2018 did Respondent contact Edward about the invoice, make any payment to Edward or her firm, or forward any funds to NeuroVision's new counsel to pay Edward.

64. On October 5, 2018, the USPTO filed a complaint and notice of disciplinary proceedings against Respondent regarding Respondent's conduct in connection with the '426 application, the '874 application, the criminal matters described in Counts I through IV, above, and other matters. The matter was docketed by the USPTO as *In the Matter of Michael J. Ries*, Proceeding D2018-49.

65. On October 29, 2018, Respondent submitted a check to Edward's firm in the amount of \$1,458.25 to pay the outstanding invoices in connection with the '426 application and the '874 application, including accrued interest.

66. On December 19, 2018, pursuant to a proposed settlement agreement and stipulation between Respondent and the USPTO Office of Enrollment and Discipline in Proceeding D2018-49, the Director of the USPTO entered an order suspending Respondent from practice before the USPTO for three and one-half years and until such time the Director grants a petition for reinstatement filed by Respondent pursuant to USPTO rules and regulations. The order specified certain conditions of reinstatement, including alcohol counseling for one year through the Illinois Lawyer's Assistance Program or similar program, and a probationary period of two years following Respondent's reinstatement to practice.

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

- a. failing to keep the client reasonably informed about the status of the matter and to promptly comply with reasonable requests for information, by conduct including failing to confirm receipt of payments from NeuroVision regarding the '874 application and failing to explain the breakdown or provide an accounting of the funds that he received in connection with that application, in violation of Rule 1.4(a)(3) and (4) of the Illinois Rules of Professional Conduct (2010);
- b. failing to promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive, by conduct including failing to promptly deliver funds to Valerie G. Edward and her firm that she and her firm were entitled to receive from the \$2,275 that Respondent received from NeuroVision in connection with the '874 application, in violation of Rule 1.15(d) of the Illinois Rules of Professional Conduct (2010); and

- c. engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, by conduct including submitting a Revocation & Appointment of Agent form with a false signature to Valerie G. Edward to file with the CIPO in connection with the '874 application, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT VII

*(Neglect, Failure to Keep Client Informed, and Engaging in a Conflict
in Connection with Gabe Trevizo's Patent Application)*

68. On March 28, 2018, Respondent and Gabe Trevizo ("Trevizo"), a resident of Arizona, agreed that Respondent would prepare and file a non-provisional patent application for "MySuds2Go," a portable soap-and-water hand washing device, on behalf of Trevizo, the device's inventor. At or about that time, Respondent received a flat fee of \$3,500 from Trevizo to represent him in connection with the patent application, which included the drawing fee and application changes and updates.

69. In early April 2018, Respondent submitted a draft of the patent application to Trevizo, who criticized the document, claiming it "looked like a second grader drafted it," and, thereafter, claiming that Respondent's drafts and subsequent edits had many grammatical and syntax errors and his diagrams were "amateurish."

70. On or about April 24, 2018, Respondent received an email from Trevizo stating that the "narratives you provided in the draft are very weak and do not look like much time was put into them," and that "[t]hey will not result in a strong patent." Trevizo requested a refund of \$2,500 of the \$3,500 that he had paid to Respondent and an "agreement to move on from our client/lawyer relationship."

71. In or about April 2018, Respondent refused to refund any fees to Trevizo, and Trevizo contacted another attorney to file a provisional application.

72. In late May 2018, Trevizo posted a negative review of Respondent on the website, Thumbtack.com, a local services marketplace to help customers find and hire skilled professionals.

73. On June 27, 2018, having paid Respondent's full fee and having received no refund, Trevizo left a text message for Respondent asking him to complete the final patent application, and, on June 30, 2018, Respondent asked Trevizo to "update the thumbtack review" because it was costing him clients "[o]r delete the review please." In response, Trevizo told Respondent that he would "have no problem doing that once you deliver a quality application."

74. On June 30, 2018, Respondent asked Trevizo if he could delete the review "now." In response, Trevizo told him, "[i]f you do a good job I will not only remove it but write a glowing review for you," to which Respondent responded, "Ok."

75. At no time did Respondent complete Trevizo's patent application, and, after Respondent did not respond to Trevizo's text messages in July 2018, Trevizo contacted attorney disciplinary authorities in Arizona.

76. On September 30, 2019, the State Bar of Arizona filed a disciplinary complaint against Respondent, and, on November 4, 2019, the State Bar of Arizona and Respondent entered into an Agreement for Discipline on Consent, whereby the parties stipulated to the imposition of a reprimand, the maximum sanction allowed for Respondent as a lawyer not licensed in Arizona, and restitution in the amount of \$3,500.

77. On November 12, 2019, Respondent paid restitution in the amount of \$3,500 to Trevizo, and, on November 15, 2019, the Presiding Disciplinary Judge of the State Bar of Arizona issued a Decision Accepting Discipline on Consent and entered an order reprimanding Respondent.

78. On January 22, 2021, as a result of the discipline imposed in Arizona, the USPTO imposed reciprocal discipline and entered an order publicly reprimanding Respondent.

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

- a. failing to act with reasonable diligence and promptness in representing a client, by conduct including failing to complete Gabe Trevizo's patent application, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failing to keep a client reasonably informed and to promptly comply with reasonable requests for information, by conduct including failing to respond to Gabe Trevizo's attempts to contact him, in violation of Rule 1.4(a)(3) and (4) of the Illinois Rules of Professional Conduct (2010); and
- c. representing a client when there is a significant risk that the representation will be materially limited by a personal interest of the lawyer, by conduct including agreeing to complete Gabe Trevizo's patent application while asking Trevizo to update or delete Trevizo's negative online review of Respondent, in violation of Rule 1.7(a) of the Illinois Rules of Professional Conduct (2010).

