

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

In the Matter of:

BRANDON JAMES McNULTY,

Attorney-Respondent,

No. 6287872.

Commission No. 2022PR00064

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Richard Gleason, pursuant to Supreme Court Rule 761(c), complains of Respondent, Brandon James McNulty, who was licensed to practice law in Illinois on January 31, 2006, and alleges that Respondent has engaged in the following conduct, which subjects him to discipline pursuant to Supreme Court Rule 770:

*Criminal conviction for operating while intoxicated*

1. At all times alleged in this complaint, there was in effect a criminal statute in Illinois, Chapter 625, Section 5/11-501(a)(2) of the Illinois Compiled Statutes, which made it a felony state criminal offense to drive or operate a motor vehicle while under the influence of alcohol after having committed a violation of Chapter 625, Section 5/11-501(a) or a similar statute on at least two prior occasions.

2. At all times alleged in this complaint, there was in effect a criminal statute in Illinois, Chapter 625, Section 5/11-501(a)(2) of the Illinois Compiled Statutes, which made it a felony state criminal offense to drive a vehicle while under the influence of alcohol when the driver did not possess a valid driver's license.

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ARDC Clerk

3. On or about August 30, 2020 at approximately 5:15 PM, Respondent was driving on Carron Road north of Sturbridge Way in Elgin when Respondent swerved off the road and hit three mailboxes. Respondent's vehicle came to a stop along the side of the road. The vehicle sustained heavy front-end damage. At the time of the accident, Respondent did not have a valid driver's license, and had that same afternoon consumed alcohol. At approximately 5:28 PM on the same day, Kane County Sheriff Deputy Schultz was dispatched to the site of the accident. When Deputy Schultz arrived on scene, he observed Respondent's silver Chevrolet with heavy front-end damage and with the airbag deployed. Deputy Schultz also observed several mailboxes that appeared to have been destroyed by Respondent's car. Deputy Schultz observed Respondent next to the car.

4. Deputy Schultz spoke with Respondent, who admitted driving the car. Respondent further admitted that he had been drinking earlier in the day while playing golf. While he spoke with Respondent, Deputy Schultz noted a strong odor of alcohol on Respondent's breath, observed that Respondent had difficulty maintaining his balance, and observed that Respondent was slurring his speech. Deputy Schultz administered standardized field sobriety tests, all of which Respondent failed. Deputy Schultz placed Respondent under arrest, and transported Respondent to the Kane County Jail. At the Kane County Jail, Deputy Schultz attempted to administer to Respondent a breathalyzer test, but Respondent refused to provide a breath sample. Deputy Schultz learned that Respondent did not have a valid driver's license at the time he was driving the car.

5. Respondent had previously been found guilty of driving under the influence of alcohol in Du Page County on April 30, 2002, and was convicted of operating while intoxicated in Brookfield, Wisconsin, on January 16, 2012.

6. On December 2, 2020, Respondent was indicted by a grand jury Kane County, which charged Respondent with two felony counts of driving a vehicle while under the influence of alcohol in violation of Chapter 625 Section 5/11-501(a)(2). Count 1 alleged that Respondent was driving a vehicle while under the influence of alcohol after he had previously violated Chapter 625 Section 5/11-501(a)(2) or a similar provision on two previous occasions. Count 2 alleged that Respondent was driving a vehicle while under the influence of alcohol when he did not have a valid driver's license.

7. On or about June 1, 2022, Respondent pled guilty to Count 2 of the criminal indictment, alleging the criminal offense of driving while under the influence of alcohol and while without a driver's license, in violation of Chapter 625 Section 5/11-501(a)(2) of the Illinois Compiled Statutes. The court sentenced Respondent to 30 months of probation, revoked Respondent's license for 26 months, required Respondent to complete 480 hours of community service, required Respondent to attend a victim impact panel, and imposed fines and court costs on Respondent of \$3,979. Pursuant to the plea agreement, on the motion of the Kane County State's Attorney's Office, the court dismissed Count 1.

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

- a. committing a criminal act that reflects adversely on his fitness as a lawyer, by conduct including committing and being convicted of the offense of operating while under the influence of alcohol (third violation), in violation of Chapter 625, Section 5/11-501(a)(2) of the Illinois Compiled Statutes, in violation of Rule 8.4(a)(b).

WHEREFORE, the Administrator requests that this matter be assigned to a panel of the Hearing Board, that a hearing be held pursuant to Rule 761, 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/ Richard Gleason  
Richard Gleason

Richard Gleason  
Counsel for the Administrator  
130 East Randolph Drive, Suite 1500  
Chicago, Illinois 60601  
Telephone: (312) 565-2600  
Email: Email: [ARDEeservice@iadc.org](mailto:ARDEeservice@iadc.org)  
Email: [rgleason@iadc.org](mailto:rgleason@iadc.org)  
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