

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

In the Matter of:

NICHOLE ELIZABETH TULISZEWSKI,

Attorney-Respondent,

No. 6294605.

Commission No. 2023PR00049

REPORT AND RECOMMENDATION OF THE HEARING BOARD

DEFAULT PROCEEDING

The hearing in this matter was held by video conference on December 13, 2023, before a Hearing Board Panel consisting of Jose A. Lopez, Jr., Chair, Shelbie J. Luna, and Jim Hofner. Peter L. Rotskoff appeared on behalf of the Administrator. Respondent did not appear, and no counsel appeared on her behalf. The Administrator recommended that Respondent be suspended for six months and until further order of the Court. We agree with the Administrator's recommendation.

We have considered the Administrator's three-count Complaint, filed on August 8, 2023, a copy of which is attached as Exhibit 1. Respondent did not file an answer, nor did she respond to the Administrator's Motion to Deem the Allegations of the Complaint Admitted or participate in a pre-hearing conference held on October 16, 2023. Consequently, on October 16, 2023, an order was entered deeming the allegations of the Complaint admitted. A copy of that Order is attached as Exhibit 2.

The allegations deemed admitted establish that, on January 6, 2012, Respondent was removed from the master roll of attorneys licensed to practice in Illinois for failure to comply with

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December 27, 2023

ARDC CLERK

minimum continuing legal education requirements. She has not been restored to the master roll since that time. In 2018, Respondent, who resided in Texas and used the name “Nichole E. Humes,” falsely represented to her employer, Texas attorney Dorothy Lawrence, that she was authorized to practice law in Illinois. Based on Respondent’s misrepresentation, Lawrence filed a motion seeking Respondent’s pro hac vice admission in a matter pending in Taylor County, Texas. On December 2, 2022, in response to an inquiry from the State Bar of Texas into Lawrence’s conduct with respect to Respondent, Respondent provided a declaration that falsely stated she was “registered indefinitely as an out-of-state practicing attorney with the Illinois bar” and that she understood that registration to mean she was still licensed in Illinois. In addition, Respondent ignored multiple letters from the Administrator requesting information about the conduct at issue and failed to appear for a sworn statement after being served with a subpoena. Based on these admitted allegations, the Administrator established by clear and convincing evidence that Respondent violated Rules 8.1(b) and 8.4(c) of the Illinois Rules of Professional Conduct (2010).

We have considered in mitigation that Respondent has no prior discipline. However, her failure to participate in these proceedings significantly aggravates her misconduct and leaves us unable to assess her fitness to practice law. Therefore, we agree with the Administrator that she should be suspended until further order of the Court.

Accordingly,

1. Respondent was personally served with the Complaint on August 16, 2023. A copy of the Affidavit of Personal Service Pursuant to Commission Rule 214(a) is attached as Exhibit 3.
2. The allegations of the Complaint were deemed admitted in an Order entered on October 16, 2023. A copy of that Order is attached as Exhibit 2.

3. In consideration of the Order deeming the allegations of the Complaint admitted, this Panel finds Respondent committed the misconduct charged in the Complaint.
4. Given Respondent's misconduct, her failure to participate, and the case law cited by the Administrator, we recommend that Respondent, Nichole Elizabeth Tuliszewski, be suspended for six months and until further order of the Court.
5. The Panel has concluded that this report format will adequately and appropriately communicate its recommendation to the Court.

Respectfully submitted,

Jose A. Lopez, Jr.
Shelbie J. Luna
Jim Hofner

CERTIFICATION

I, Michelle M. Thome, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, hereby certifies that the foregoing is a true copy of the Report and Recommendation of the Hearing Board, approved by each Panel member, entered in the above entitled cause of record filed in my office on December 27, 2023.

/s/ Michelle M. Thome

Michelle M. Thome, Clerk of the
Attorney Registration and Disciplinary
Commission of the Supreme Court of Illinois

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Exhibit 1

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

In the Matter of:

NICHOLE ELIZABETH TULISZEWSKI.

Attorney-Respondent,

No. 6294605.

Commission No. 2023PR00049

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission (“ARDC”), by his attorney, Peter L. Rotskoff, pursuant to Supreme Court Rule 753(b), complains of Respondent, Nichole Elizabeth Tuliszewski, who was licensed to practice law in Illinois on November 8, 2007, and alleges that Respondent has engaged in the following conduct which subjects her to discipline pursuant to Supreme Court Rule 770:

COUNT I

(False statements to Dorothy Lawrence)

1. On January 6, 2012, Respondent was removed from the roll of attorneys licensed to practice law in Illinois for failing to comply with the Minimum Continuing Legal Education (“MCLE”) requirements set forth in Supreme Court Rule 794. Respondent has not attempted to register in Illinois since 2013.

2. At no time since January 6, 2012, has Respondent been restored to the roll of attorneys in Illinois.

3. In 2018, Respondent resided in the state of Texas and used the name “Nichole E. Humes.” In August 2018, Respondent was hired and went to work as an attorney for the Dorothy Butler Law Firm in Dripping, Texas. At the time, Respondent was only authorized to practice law in the state of Pennsylvania.

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8/8/2023 11:56 AM
ARDC Clerk

4. On March 13, 2019, (effective April 13, 2019) Respondent was administratively suspended in Pennsylvania due to her failure to comply with her CLE requirement in that state. As of August 7, 2023, the date of this complaint was voted by the Inquiry Board, Respondent remained suspended in Pennsylvania.

5. At the time Respondent was hired by the Butler firm, she represented to Dorothy Lawrence (“Lawrence”, f/k/a Dorothy Butler), the principal attorney and owner of the firm, that she was authorized to practice law in Illinois, and she intended to gain admission to practice in the state of Texas, through reciprocity.

6. Respondent’s representation to Lawrence that she was authorized to practice law in Illinois was false because Respondent had been removed from the roll of attorneys in Illinois in 2012 and has not been authorized to practice law in Illinois since that time.

7. Respondent knew, at the time she made the representation to Lawrence set forth in paragraph 5, above, that her representation to Lawrence was false.

8. In connection with her employment at the Butler firm, Respondent provided Lawrence with biographical information purportedly showing that she had an active license in Illinois. Lawrence posted some of the biographical information on the Butler firm website.

9. On June 7, 2022, Lawrence filed a “Motion of Non-Resident Attorney for Admission *Pro Hac Vice*” in case number 21-15056N, entitled *In the Matter of the Marriage of Betty Bentley and Russell Bentley*, in the District Court, 3226 Judicial District, Taylor County, Texas (“*In the Marriage of Bentley*”).

10. In Lawrence’s motion, described in paragraph 9, above, she represented that Respondent was authorized to practice law in Illinois and Pennsylvania and wait awaiting licensing

in Texas through reciprocity. Lawrence's statements in the motion were based on representations Respondent made to Lawrence.

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

- a. conduct involving dishonesty, fraud, deceit, or misrepresentation by falsely representing to Dorothy Lawrence that she was authorized to practice law in Illinois, as set forth in paragraphs 5, 8, and 10, above, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT II
(False Declaration)

12. The Administrator realleges and incorporates paragraphs 1 through 10 in Count I, above.

13. On or about December 2, 2022, Respondent prepared and signed (under penalty of perjury) a document entitled "Declaration of Nichole Humes" ("Declaration").

14. Respondent provided the Declaration to Lawrence to use in connection with an inquiry made by the State Bar of Texas into Lawrence's conduct with respect to Respondent.

15. In the Declaration, Respondent stated:

In 2013, I registered indefinitely as an out-of-state practicing attorney with the Illinois bar. I understood this registration to mean that I was still licensed in Illinois, and that if I wanted to go back and practice there, I could do so by paying some fees and confirming certain CLE hours.

16. Respondent's statements set forth in paragraph 15, above, were false because she was removed from the roll of attorneys on January 6, 2012, for failing to comply with the MCLE requirements and was not registered in Illinois after 2012. In addition, the Supreme Court Rules have no provision for "registering indefinitely" and yearly registration is required for those on active or inactive status.

17. Respondent knew her statements in paragraph 15, above, were false at the time she made them.

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

- a. conduct involving dishonesty, fraud, deceit or misrepresentation by making false statements in the Declaration as set forth in paragraph 15, above, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT III

(Failure to cooperate with a disciplinary investigation)

19. The Administrator realleges and incorporates paragraphs 1 through 17 in Count I and II above.

20. On October 19, 2022, the Administrator sent Respondent a letter via email to the email address Respondent registered with the ARDC. The letter requested a response within 14 days to allegations raised by attorney Kristin Postell (“Postell”), the opposing counsel in *In the Marriage of Bentley*.

21. At no time did Respondent submit a written response to Administrator’s October 19, 2022, correspondence.

22. On December 2, 2022, the Administrator sent a second letter via email to the business email address Respondent used in Texas. The letter again requested a response within 14 days to the allegations raised by Postell. Additionally, the letter referred Respondent to her obligations under Commission Rule 53 and Rule 8.1(b) of the Illinois Rules of Professional Conduct (2010), to respond to the Administrator’s request for information. Respondent received the email on or about December 2, 2022.

23. At no time did Respondent submit a written response to Administrator's December 2, 2022 email.

24. On December 19, 2022, the Administrator sent a letter via regular mail to Respondent's home address in Dripping Springs, Texas. The letter consisted of the same request as the letter emailed to Respondent on October 19, 2022, as described in paragraph 20, above. Respondent received the letter on or about December 23, 2022.

25. At no time did Respondent submit a written response to Administrator's December 19, 2022, letter.

26. On January 10, 2023, the Administrator sent a second letter via regular mail to Respondent's residence in Dripping Springs, Texas. The letter consisted of the same request and reminder of her obligations as the letter emailed to Respondent on December 2, 2022, as described in paragraph 20, above. Respondent received the letter on or about January 13, 2023.

27. On February 8, 2023, the Administrator served Respondent with a subpoena to appear for a sworn statement via remote video conferencing, at 10:00 A.M. on February 28, 2023. The Administrator served the subpoena via regular mail and by FedEx to her home address in Dripping Springs, Texas and to her personal email address at gmail.com. Respondent received the subpoena on or about February 8, 2023.

28. At no time did Respondent respond in any manner to the subpoena, nor did she appear remotely on February 28, 2023, at 10:00 A.M.

29. On numerous occasions between February 28, 2023, and August 7th, 2023, Commission staff sent emails and called Respondent's home and cellular numbers in an effort to get Respondent to participate and respond to the ARDC investigation. At no time did Respondent respond to the emails or telephone messages.

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

- a. knowingly failing to respond to lawful demands for information from a disciplinary authority, by conduct including failing to respond to the Administrator's letters dated October 19, 2022, December 2, 2022, December 19, 2022, and January 10, 2023; and failing to appear for a sworn statement on February 28, 2023, after being served with a subpoena, in violation of Rule 8.1(b) 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 and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ Peter L. Rotskoff
Peter L. Rotskoff

Peter L. Rotskoff
Deputy Administrator, Litigation
Counsel for Administrator
3161 W. White Oaks Drive, Suite 301
Springfield, IL 62704
Telephone: (217) 546-3523
Email: ARDCeService@iadc.org
Email: PRotskoff@iadc.org
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Exhibit 2

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

FILED

October 16, 2023

ARDC CLERK

In the Matter of:

NICHOLE ELIZABETH TULISZEWSKI,

Attorney-Respondent,

No. 6294605.

Commission No. 2023PR00049

ORDER

A telephonic pre-hearing conference was held in this matter on October 16, 2023, at 9:30 a.m. Participating were Jose A. Lopez, Jr., Chair; and Peter L. Rotskoff, Counsel for the Administrator. Call-in information was provided to Respondent, but she did not participate. Counsel for the Administrator advised the Chair of the status of the matter, including the Administrator's unsuccessful efforts to contact Respondent. Accordingly,

IT IS ORDERED:

1. Based on Respondent's failure to file an answer to the Complaint or a response to the Motion to Deem the Allegations of the Administrator's Complaint Admitted Pursuant to Commission Rule 236 (Motion), the Motion is granted. No further proof of the allegations of the Complaint is required. At hearing, the parties shall be limited to presenting evidence of aggravating and mitigating factors and arguments regarding the form and amount of discipline to be imposed;

2. The parties shall exchange any exhibits they propose to offer at hearing and lists of their proposed exhibits on or before November 21, 2023. Pursuant to Supreme Court Rule 138, each party is responsible for redacting personal identifying information from that party's exhibits;

3. A default hearing in this matter is scheduled for November 28, 2023, at 9:30 a.m., and will be conducted remotely via Webex video conference. The Clerk of the Commission shall provide the parties with Webex access information; and

4. The parties shall prepare exhibits in conformance with Commission Rule 276 and the Clerk of the Commission's procedures regarding electronic exhibits.

CERTIFICATION

I, Michelle M. Thome, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, certify that the foregoing is a true copy of the order, approved by the Hearing Board Chair, entered in the above entitled cause of record filed in my office on October 16, 2023.

/s/ Michelle M. Thome

Michelle M. Thome,
Clerk of the Attorney Registration and
Disciplinary Commission of the
Supreme Court of Illinois

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PROOF OF SERVICE

I, Andrea L. Watson, hereby certify that I served a copy of this Order on the Attorney-Respondent listed at the addresses shown below by regular mail by depositing it with proper postage prepaid, by causing the same to be deposited in the U.S. Mailbox at One Prudential Plaza, 130 East Randolph Drive, Chicago, Illinois 60601 on October 16, 2023, at or before 5:00 p.m. At the same time, a copy of this Order was sent to Counsel for the Administrator by e-mail service.

Nichole Elizabeth Tuliszewski
Attorney-Respondent
1104 Folkstone Drive
Pittsburgh, PA 15243-1924

Nichole Elizabeth Tuliszewski
Attorney-Respondent
262 Peakside Circle
Dripping Springs, TX 78620

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

/s/ Andrea L. Watson
Andrea L. Watson

Exhibit 3

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

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9/8/2023 12:26 PM
ARDC Clerk

In the Matter of:

Nichole Elizabeth Tuliszewski,

Attorney-Respondent,

No. 6294605.

Commission No. 2023PR00049

AFFIDAVIT OF PERSONAL SERVICE
PURSUANT TO COMMISSION RULE 214(a)

I, MARK J. POINTER ("Affiant"), being duly sworn, hereby state:

1. Affiant is over 18 years of age, possesses firsthand knowledge of the facts presented in this Affidavit and, if called as a witness, Affiant will testify to the truth of the facts as presented in this Affidavit.

2. Affiant is an Investigator for the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois ("the Commission") and, as such, is authorized to serve process.

3. On August 9th, 2023, Affiant was tasked with service of a complaint and supporting documents to Respondent who resides at 262 Peakside Circle, Dripping Springs, Hays County, Texas.

4. On August 14th, 2023, Affiant contacted the Constable's office of Precinct 4, Hays County, Texas. Affiant was advised to send the complaint and supporting documents to the attention of Constable Hood, Hays County Constable, 195 Roger Hanks Parkway, Ste 3, Dripping Springs, Texas, along with a payment for the service.

5. On August 14th, 2023, Affiant expedited shipping of the complaint, supporting documents and payment to the Hays County Constable's Office.

6. On August 18th, 2023, Affiant received an email confirmation from the Hays County Constable's Office the complaint and supporting documents had been served to Respondent on August 16th, 2023. Affiant was advised the details of the service had been sent to the ARDC Springfield Office via United States Postal Service.

7. On August 31st, 2023, ARDC Springfield received a letter and receipt for payment from the Hays County Constable's Office. The letter described service of the complaint and supporting documents to Respondent had occurred on August 16th, 2023 at 10:45 a.m. Attached is a copy of the notification and payment receipt from the Hays County Constable's Office.

8. Further Affiant sayeth not.

CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

/s/ Mark J. Pointer

Mark J. Pointer

Dated: September 8TH, 2023



**Constable Ron Hood
Hays County, Precinct 4**

195 Roger Hanks Parkway #3
Dripping Springs, Texas 78620

Office: 512-858-7605
Fax: 512-858-4799



OFFICER'S RETURN - SERVED

CAUSE NO.: 2023PR00049

ATTORNEY REGISTRATION AND
DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ILLINIOS
Plaintiff

**BOARD OF THE ILLINOIS ATTORNEY
REGISTRATION AND DISCIPLINARY
COMMISSION**

V.

IN THE MATTER OF: NICHOLE ELIZABETH
TULISAEWSKI
Defendant

County, Texas

Came to hand on the 15th day of August 2023 at 10:53 AM. Executed at 10:45 AM on the 16th day of August 2023:
by delivering a true copy of the Notice together with the copy of the petition having endorsed on such copy of Notice the
date named Defendant, NICHOLE ELIZABETH TULISZEWSKI.

In person at: 262 PEAKSIDE CIRCLE Dripping Springs TX 78620

Service Fee: \$75.00

Constable Ron Hood
Pct. 4, Hays County, Texas

Jimmy Zuehlke, Deputy Constable
Precinct 4, Hays County, Texas

RECEIVED
AUG 31 2023
ATTY. REG. & DISC. COMM
SPRINGFIELD

Hays County Constable
Precinct 4
195 Roger Hanks Parkway #3
Dripping Springs, TX 78620
Phone: 512-858-7605 Fax: 512-858-4799



Payment Receipt

Payment made by: NICHOLE ELIZABETH TULISZEWSKI
262 PEAKSIDE CIRCLE
Dripping Springs TX 78620

Payment Date:	8/15/2023
Payment Type:	Check
Check #:	4280
Payment Category:	Fee
Receipt Number:	267
Payment Amount:	75.00

Civil #	Docket #	Title	Amount
C4-23000180	2023PR00049	ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION OF THE SUPREME COURT OF ILLINIOS vs. IN THE MATTER OF: NICHOLE ELIZABETH TULISAIEWSKI	75.00
