

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

In the Matter of:

ERIC SCOTT SANDER,

Attorney-Respondent,

No. 6308129.

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Commission No. 2024PR00048

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission, by her attorney, Jonathan M. Wier, pursuant to Supreme Court Rule 753(b), complains of Respondent Eric Scott Sander (“Respondent”), who was licensed to practice law in Illinois on May 10, 2012, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

ALLEGATIONS COMMON TO COUNTS I-IV

1. At all times related to this complaint, Respondent was a sole practitioner in Morton Grove. As the only attorney at Sander Law Offices, he practiced primarily in the area of real estate.
2. At all times related to this complaint, Respondent maintained and was the sole signatory on an IOLTA client trust account ending with the numbers 5658 and held at JPMorgan Chase Bank, N.A. (“IOLTA Account”). The account was titled “Eric S Sander Attorney at Law IOLTA Trust Account.”

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ARDC Clerk

COUNT I  
*(Conversion of \$1,779.36 in Earnest Money)*

3. Respondent and the seller of a home in Lake in the Hills agreed that Respondent would represent the seller in the sale of the home. On April 4, 2022, the buyers wrote a check in the amount of \$7,500 payable to Respondent as earnest money for their purchase of the home.

4. The parties to the sale agreed that Respondent would retain the \$7,500 of earnest money until the closing date on the sale of the property. Respondent deposited the earnest money into his IOLTA Account on April 11, 2022.

5. On May 18, 2022, prior to any disbursement of the earnest money and prior to the closing on the Lake in the Hills home, the balance of Respondent's IOLTA Account was \$5,720.64.

6. As of May 18, 2022, Respondent had used at least \$1,779.36 of the earnest money belonging to the buyers of the Lake in the Hills home or designated to pay the seller of the home, for his own business or personal purposes.

7. At no time did the buyers or the seller of the Lake in the Hills home authorize Respondent to use any portion of the earnest money for his own purposes.

8. Respondent's use of the \$1,779.36 constituted conversion of the funds belonging to the buyers of the Lake in the Hills home or designated to pay the seller of the home.

9. At the time Respondent used the earnest money, Respondent acted dishonestly because he knew he was using the funds for his own purposes.

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

- a. failure to hold property of clients or third persons that is in the lawyer's possession in connection with a representation separate from the lawyer's own property, by conduct

including converting at least \$1,779.36 of the earnest money relating to the sale of the Lake in the Hills home and causing the balance in his IOLTA Account to fall below the amount then belonging to the buyers of the home or intended to pay the seller, in violation of Rule 1.15(a) of the Illinois Rules of Professional Conduct (2010); and

- b. conduct involving dishonesty, fraud, deceit or misrepresentation, by knowingly converting at least \$1,779.36 of the earnest money relating to the sale of the Lake in the Hills home to his own use and without authority, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

## COUNT II

### *(Conversion of \$2,680.35 in Tax Credit Escrow Funds)*

11. Respondent and the sellers of a condominium in Chicago agreed that Respondent would represent the sellers in the sale of the condominium. In June 2022, in connection with that sale, the buyers and sellers to the transaction entered into a real estate tax proration agreement. The agreement provided that the buyers would escrow \$12,998 pending the release of the second installment of the tax bill for the Chicago condominium, at which time the funds would be allocated to the buyers and sellers pursuant to the terms of the agreement.

12. On or about June 27, 2022, Respondent received a check from the title company in the amount of \$12,998. The agreement provide that Respondent would hold those funds, and he deposited the check into his IOLTA Account on June 30, 2022.

13. On July 18, 2022, prior to any disbursement of the escrowed funds, the balance of Respondent's IOLTA Account was \$10,317.65.

14. As of July 18, 2022, Respondent had used at least \$2,680.35 of the escrowed tax funds intended for disbursement to the buyers or sellers of the Chicago condominium, for his own business or personal purposes.

15. At no time did the buyers or sellers of the Chicago condominium authorize Respondent to use any portion of the escrowed tax funds for his own purposes.

16. Respondent's use of the \$2,680.35 constituted conversion of the funds belonging to the buyers or sellers of the Chicago condominium.

17. At the time Respondent used the earnest money, Respondent acted dishonestly because he knew he was using the funds for his own purposes.

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

- a. failure to hold property of clients or third persons that is in the lawyer's possession in connection with a representation separate from the lawyer's own property, by conduct including converting at least \$2,680.35 of the escrowed tax funds relating to the sale of the Chicago condominium and causing the balance in his IOLTA Account to fall below the amount then belonging to the buyers or sellers of the Chicago condominium, in violation of Rule 1.15(a) of the Illinois Rules of Professional Conduct (2010); and
- b. conduct involving dishonesty, fraud, deceit or misrepresentation, by knowingly converting at least \$2,680.35 of the escrowed tax funds relating to the sale of the Chicago condominium to his own use and without authority, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT III  
(*Conversion of \$1,398 in Earnest Money*)

19. Respondent and the buyer of a home in Arlington Heights agreed that Respondent would represent the buyer in the purchase of the home. On January 26, 2023, the buyer made a wire transfer of \$5,000 to Respondent's IOLTA Account as the earnest money for the purchase of the home.

20. On March 27, 2023, Respondent issued a check in the amount of \$5,000 to the title company to be applied on behalf of the buyer at the closing on the Arlington Heights home.

21. Prior to any disbursement of the earnest money, the balance of Respondent's IOLTA Account was \$3,602. On March 29, 2023, Respondent's IOLTA Account had insufficient funds to negotiate the check payable to the title company.

22. As of March 29, 2023, Respondent had used at least \$1,398 of the earnest money belonging to the buyer of the Arlington Heights home or designated to pay the seller of the home, for his own business or personal purposes.

23. At no time did the buyer or the seller of the Arlington Heights home authorize Respondent to use any portion of the earnest money for his own purposes.

24. Respondent's use of the \$1,398 constituted conversion of the funds belonging to the buyer of the Arlington Heights home or designated to pay the seller of the home.

25. At the time Respondent used the earnest money, Respondent acted dishonestly because he knew he was using the funds for his own purposes.

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

- a. failure to hold property of clients or third persons that is in the lawyer's possession in connection with a representation separate from the lawyer's own property, by conduct including converting at least \$1,398 of the earnest money relating to the sale of the Arlington Heights home and causing the balance in his IOLTA Account to fall below the amount then belonging to the buyer of the home or intended to pay the seller, in violation of Rule 1.15(a) of the Illinois Rules of Professional Conduct (2010); and
- b. conduct involving dishonesty, fraud, deceit or misrepresentation, by knowingly converting at least \$1,398 of the earnest money relating to the sale of the Arlington Heights home to his own use and without authority, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT IV  
*(Failure to Maintain Complete Records of Client Trust Account)*

27. The Administrator realleges paragraphs one through 25, above.

28. At all times alleged in this complaint, Supreme Court Rule 769(2) required that attorneys maintain:

...all financial records related to the attorney's practice, for a period of not less than seven years, including but not limited to bank statements, time and billing records, checks, check stubs, journals, ledgers, audits, financial statements, tax returns and tax reports.

29. At all times alleged in this complaint, Rule 1.15(a)(1) through (8) of the Illinois Rules of Professional Conduct (2010) required attorneys to prepare and maintain: receipt and disbursement journals; a contemporaneous ledger; an accounting of all disbursements; checkbook registers, check stubs, bank statements, records of deposit, and checks or other records of debits; all retainer and compensation agreements; bills for legal fees and expenses; and reconciliation reports on at least a quarterly basis.

30. At no time between April 11, 2022 and March 29, 2023 did Respondent prepare or maintain complete records of his IOLTA Account ending with the four digits of 5658, as required by Rule 1.15(a)(1) through (8) of the Illinois Rules of Professional Conduct (2010) and Supreme Court Rule 769.

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

- a. failure to prepare and maintain complete records of client trust accounts relating to the account ending in the four digits of 5658 as provided in Supreme Court Rule 769, in violation of Supreme Court Rule 769 and Rules 1.15(a)(1) through 1.15(a)(8) of the Illinois Rules of Professional Conduct (2010).

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

Respectfully submitted,

Lea S. Gutierrez, Administrator  
Attorney Registration and  
Disciplinary Commission

By: /s/ Jonathan M. Wier  
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