

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

FILED
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ARDC Clerk

In the Matter of:

DAVID MICHAEL DOLENDI,

Attorney-Respondent,

No. 6277384.

Commission No. 2025PR00050

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission, by her attorney, Rachel C. Miller, pursuant to Supreme Court Rule 753(b), complains of Respondent, David Michael Dolendi, who was licensed to practice law in the State of Illinois on November 7, 2002, and alleges that Respondent has engaged in the following conduct that subjects him to discipline pursuant to Supreme Court Rule 753:

COUNT I

(Criminal conviction for possession of methamphetamines)

1. At all times alleged in this complaint, there was in effect a criminal statute in Illinois, Chapter 720, Section 60(b)(1) of the Illinois Compiled Statutes, which made it a felony criminal offense to possess less than five grams of methamphetamine or a substance containing a methamphetamine.

2. On October 17, 2022, at approximately 9:40 p.m., Respondent was driving in the area of Arlington Heights Road and Golf Road in Arlington Heights when Arlington Heights police officers observed Respondent's 2013 BMW swerve and fail to use a turn signal.

3. The police officers pulled over Respondent's vehicle. While standing outside the vehicle, the police officers observed a white powdery substance, which they suspected was

methamphetamines, in the vehicle. The police officers conducted a search of Respondent's vehicle and a white powdery substance inside a clear plastic bag inside of a glasses case. They also found glass smoking pipes, a digital scale, steel wool used for filters, and multiple bags with white powder residue.

4. After the police officers arrested Respondent and took him to the Arlington Heights Police Department, Respondent admitted to the police officers that the drugs in the vehicle, described in paragraph three, above, were methamphetamines. Respondent further stated that the methamphetamines belonged to him. After the police officers tested the suspected methamphetamines with a MobileDetect kit, which resulted in a positive test for methamphetamines, they issued the following citations: possession of methamphetamine; possession of drug paraphernalia; improper lane usage; and failure to signal.

5. Respondent was then released on a recognizance bond with a pending court date of December 5, 2022, in the Circuit Court of Cook County, in *People of the State of Illinois v. David Michael Dolendi*, docketed as case number 22C33023201. On December 15, 2022, the Honorable Ellen Mandeltort found probable cause for Respondent's arrest.

6. On or about April 19, 2023, Respondent pled guilty to the felony criminal offense of possession of methamphetamine in violation of 720, Section 60(b)(1) of the Illinois Compiled Statutes. The Honorable Joseph Cataldo sentenced Respondent to 24 months of supervision, ordered Respondent to complete 30 hours of community service, to receive substance abuse treatment, and imposed fines and court costs on Respondent of \$2,315.

7. On October 22, 2022, the Administrator initiated an investigation related to Respondent's June 5, 2022, arrest, which was docketed as investigation number 2022IN3554.

8. On February 12, 2024, Respondent executed an affidavit under Commission Rule

108 admitting that he violated Rule 8.4(b) of the Illinois Rules of Professional Conduct by engaging in the criminal act of possessing methamphetamines. By signing the affidavit, Respondent agreed that if the Inquiry Board deferred the prosecution of Commission number 2022IN03554, he would abide by certain conditions, including the following:

- a. Respondent agreed to abstain from the usage of alcohol and any non-prescribed controlled substances;
- b. Respondent agreed to attend meetings as scheduled by the Commission probation officer, and to submit quarterly written reports to the Commission probation officer concerning the status of his practice of law and the nature and extent of his compliance with the conditions of his supervision.
- c. Respondent agreed to continue in a course of treatment with the Lake County Department of Health, or such other qualified mental health professional acceptable to the Administrator, with the Administrator advised of any change in attendance deemed warranted by such professional;
- d. Respondent agreed to provide the Lake County Department of Health, or such other qualified mental health professional, an appropriate release authorizing the treating professional to: (1) disclose to the Administrator on at least a quarterly basis information pertaining to the nature of Respondent's compliance with any treatment plan established with respect to Respondent's condition; (2) promptly report to the Administrator Respondent's failure to comply with any part of an established treatment plan; and (3) respond to any inquiries by the Administrator regarding Respondent's mental or emotional state or compliance with any established treatment plans;
- e. Respondent agreed to, upon request by the Administrator, submit to random substance testing by a mental health professional, within eight hours of receiving notice that he shall submit to the testing, with the results of the tests to the Administrator, and to pay any and all costs of such testing;
- f. Respondent agreed to participate in a 12-step program such as Cocaine Anonymous, Narcotics Anonymous, Alcoholics Anonymous and/or the Lawyers' Assistance Program by attending at least two meetings a week, to maintain a log of his

attendance at the meetings, and to submit them to the Administrator with his quarterly reports;

- g. Respondent agreed to maintain a sponsor or peer mentor in the 12-step or Lawyers' Assistance Program and to provide the name, address, and telephone number of the sponsor/mentor to the Administrator, to request that the sponsor/mentor communicate with the Administrator in writing every three months regarding Respondent's participation and progress in the 12-step/LAP program, and report any lapses in sobriety or usage of controlled substances to the Administrator within 72 hours of his/her knowledge of that usage;
- h. Respondent also agreed to report to the Administrator any lapse in his sobriety or usage of any controlled substances within 72 hours of that usage; and
- k. Respondent acknowledged that the Administrator would report to the Inquiry Board any noncompliance by Respondent with any of the conditions imposed in the Rule 108 affidavit, and that, upon a showing of the Respondent's failure to comply with any of the conditions listed above, the Inquiry Board may request that any deferred matters be returned to its agenda for future consideration.

9. On February 13, 2024, a panel of the Inquiry Board of the Commission agreed to defer its consideration of investigation number 2022IN03554 for a period of 18 months, subject to Respondent's compliance with the conditions outlined in paragraph eight, above. If Respondent complied with the conditions of the deferral, his 18-month period of supervision would terminate on August 13, 2025.

10. Pursuant to the conditions of Respondent's Commission Rule 108 deferral, Respondent was required to submit quarterly reports as described in paragraph 8(b) and (d), above. Additionally, the Lawyers' Assistance Program and Respondent's sponsor or peer mentor were required to submit quarterly reports as described in paragraph 8(f) and (g), above, respectively. During the period alleged in this complaint, Respondent was required to provide his first quarterly report on May 13, 2024. Respondent did not submit a timely May 2024 report, but

he did submit a report on July 15, 2024. Respondent did not submit any quarterly reports to the Commission after July 15, 2024.

11. Between July 15, 2024, and December 7, 2024, Respondent did not contact the Commission probation officer. On December 8, 2024, Respondent emailed the Commission probation officer and notified them that he had been receiving in-patient mental health treatment. Respondent and the Commission probation officer spoke by telephone the following date, December 9, 2024, and Respondent was reminded of his Rule 108 obligations to submit quarterly reports and have his treating healthcare professionals submit reports.

12. On January 21, 2025, Respondent contacted the Commission probation officer by email and informed the Commission probation officer that he had a court appearance in two days regarding his failure to comply with the terms of his criminal probation.

13. On January 24, 2025, Respondent and the Commission probation officer spoke by telephone. The Commission probation officer reminded Respondent that Respondent needed to complete substance testing, pursuant to paragraph eight, above. Respondent expressed concern about the cost of testing, and thereafter the drug testing facility agreed to provide testing at a reduced fee.

14. On February 13, 2025, the Commission probation officer notified Respondent by email that he was required to submit a quarterly report that day and follow up with the drug testing company for substance testing. Respondent did not respond. The Commission probation officer left Respondent a follow up voicemail on March 13, 2025, but Respondent did not reply to the message.

15. On March 6, 2025, the court in Respondent's criminal case in case number 22C33023201 terminated Respondent's supervision unsatisfactorily for his failure to comply

with his supervision conditions, and Respondent pled guilty to one count of possession of methamphetamine.

16. Between March 13, 2025, and August 8, 2025, Respondent has made no contact with the Commission.

17. On August 27, 2025, the Inquiry Panel met and considered the information set forth in paragraphs one through 16, above, and determined to revoke Respondent's deferred prosecution under Commission Rule 108 and vote that a complaint be filed in this matter.

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

- a. knowingly failing to respond to a lawful demand for information from a disciplinary authority, by conduct including failing to respond to Commission employees' demands that Respondent submit reports from his treating mental health professionals relating to their care and treatment of Respondent and failing to submit timely quarterly reports to Commission employees, in violation of Rule 8.1(b) of the Illinois Rules of Professional Conduct (2010); and
- b. committing a criminal act that reflects adversely on his fitness as a lawyer, by conduct including committing and being convicted of the offense of possessing methamphetamine, in violation of Chapter 720, Section 60(b)(1) of the Illinois Compiled Statutes, in violation of Rule 8.4(b).

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, 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/ Rachel C. Miller
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