

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

In the Matter of:	)	
	)	
MCSTEPHEN OLUSEGUN	)	
ADEWALE SOLOMON,	)	
	)	Commission No. 2021PR00012
Attorney-Respondent,	)	
	)	
No. 6310211.	)	

**COMPLAINT**

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Matthew D. Lango, pursuant to Supreme Court Rule 753(b), complains of Respondent, McStephen Olusegun Adewale Solomon, who was licensed to practice law in the State of Illinois on November 1, 2012, and alleges that Respondent has engaged in the following conduct which subjects Respondent to discipline pursuant to Supreme Court Rule 770:

**COUNT I**

*(Failure to Diligently Represent a Client and Failure to Communicate in Relation to Edith Raices' Foreclosure Matter)*

1. At all times related to this complaint, and throughout his legal career, Respondent has been a solo practitioner. Respondent focuses his practice on immigration matters, family law, real estate matters, and general litigation.

2. In 2013, Respondent met Edith Raices (hereafter "Raices") when both taught at South Suburban College in South Holland, Illinois. Raices was Respondent's supervisor at the College.

3. In 2013, Raices learned that she was named as a defendant in a foreclosure action with respect to a property located at 16322 Kenwood Avenue in South Holland, Illinois (hereafter “the Property”). Specifically, Raices learned that on April 10, 2013, her mortgage holder filed the matter of *U.S. Bank National Association, et al. vs. Edith Raices et al.*, Cook County Case Number 2013-CH-09642 (hereafter “the foreclosure action.”).

4. In or about October 2013, Respondent agreed to represent Raices in the foreclosure action. At the time, Raices explained to Respondent that she did not believe that she should be named as a defendant in the foreclosure action because she believed that she had sold the Property in 2011 to a company that purchased distressed properties called Walk Away Today.

5. Respondent and Raices agreed that he would not charge Raices any fees and that Raices would be responsible for any costs associated with the representation. At no time did Respondent and Raices execute a written retainer agreement.

6. Upon investigating the facts of the foreclosure action, Respondent determined that the purported sale of the Property by Raices to Walk Away Today was fraudulent, that no deed transfer was ever recorded, and that Raices still owned the Property.

7. On December 5, 2013, Respondent filed an Appearance in the foreclosure action. On the appearance form, Respondent indicated that Raices was asserting an affirmative defense of “third-party fraud.” At no time throughout the pendency of the foreclosure action did Respondent file or produce any additional documents or pleadings to substantiate or otherwise explain this affirmative defense.

8. On January 6, 2014, the plaintiff in the foreclosure action, U.S. Bank National Association (“U.S. Bank”), withdrew a pending motion for default judgment against Raices and filed an answer to Raices’ affirmative defense of third-party fraud.

9. Respondent took no further action on Raices' behalf in the foreclosure action, and he stopped attending court dates. From the time he filed his appearance in January 2014 and throughout the pendency of the case, Respondent received notice of all filings and court dates in the foreclosure action.

10. On June 26, 2017, U.S. Bank filed the following pleadings in the foreclosure action: Motion for Reformation of Mortgage; Motion for Summary Judgment; Motion for Judgment for Foreclosure and Sale; Motion to Dismiss Party Defendants; and Motion to Appoint Selling Office. U.S Bank served copies of these motions on Respondent.

11. The motions listed in paragraph 10 above were noticed to be heard before the Circuit Court of Cook County on September 19, 2017. Respondent received notice of these motions, which set forth the date on which they would be heard. Respondent did not inform Raices of the motions listed above.

12. Respondent did not respond to any of the motions listed in paragraph 10 above and did not appear in court on September 19, 2017. On that date, the Court granted the motions and entered a judgment of foreclosure against Raices and in favor of U.S. Bank.

13. On March 6, 2018, U.S. Bank sold the Property at auction for \$108,050.

14. On June 6, 2018, the Court granted U.S. Bank's Motion for Order Approving Report of Sale and Distribution, Confirming Sale and Eviction Order, and for a Personal Deficiency Judgment against Raices in the amount of \$314,236.69. Respondent did not attend the court proceeding on June 6, 2018.

15. At no time did Respondent inform Raices that a judgment of foreclosure was entered against her with respect to the Property. At no time did Respondent inform Raices that a personal deficiency judgment was entered against her in the amount of \$314,236.69.

16. 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 Edith Raices, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010), by conduct including Respondent's failure to pursue Raices' affirmative defense, Respondent's failure to attend court dates, and Respondent's failure to respond to the plaintiff's motions in the foreclosure action; and
- b. failing to keep the client reasonably informed about the status of a matter, including failing to notify her of pending motions, hearings, and entry of judgment in the foreclosure action, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010), by conduct including Respondent's failure to inform Raices that the Property had been foreclosed and a deficiency judgment was entered against her.

## **COUNT II**

*(Conversion; Dishonest Conduct in Relation to Edith Raices and Tiffany Daniels)*

17. The Administrator repleads the allegations contained in paragraphs 1 through 15 of this Complaint and incorporates them by reference as if fully set forth herein.

18. In 2013, at the time Raices learned that she was still the owner of the Property, she also learned that Tiffany Daniels was living at the Property. Between 2011 and mid-2013, Daniels paid rent to Walk Away Today.

19. In or about September 2013, Respondent and Raices agreed that he would represent her with regard to Daniels' tenancy at the Property. Respondent told Raices that he would hold all rent money collected from Daniels in the Raices IOLTA account until the conclusion of the foreclosure action described in Count I above. As Raices was a defendant in the foreclosure action, Respondent believed that the plaintiff in the foreclosure action may have a claim to the rent money being paid by Daniels.

20. On October 24, 2013, Respondent opened account xxx1058 at JP Morgan Chase Bank, N.A. entitled “McStephen OA Solomon Attorney at Law, IOLTA Trust Account, Client Trust Account” (“xxx1058 IOLTA Account”).

21. In October 2013, Respondent drafted a lease agreement to be executed between Daniels and Raices. In the lease agreement, Respondent included a provision that Daniels would pay rent to Raices each month by depositing her payment directly into the xxx1058 IOLTA Account. To facilitate this, Respondent included the full account number of the xxx1058 IOLTA Account in the lease agreement.

22. Between February 18, 2014 and June 5, 2018, Tiffany Daniels deposited a total of \$47,100.00 in sixty-seven (67) transactions as rent payments belonging to Edith Raices in the xxx1058 IOLTA Account.

23. Between June 11, 2014 and March 24, 2018 Respondent made ten (10) cash withdrawals from xxx1058 IOLTA Account as detailed below:

<b>Date</b>	<b>Type of Transaction</b>	<b>Amount</b>
June 11, 2014	cash withdrawal	\$200.00
April 3, 2015	cash withdrawal	\$1,000.00
April 30, 2015	cash withdrawal	\$200.00
July 13, 2015	cash withdrawal	\$1,500.00
July 11, 2016	cash withdrawal	\$1,500.00
September 26, 2016	cash withdrawal	\$1,000.00
October 28, 2016	cash withdrawal	\$3,000.00
April 28, 2017	cash withdrawal	\$2,000.00
September 29, 2017	cash withdrawal	\$1,000.00
March 30, 2018	cash withdrawal	\$3,000.00
	<b>TOTAL</b>	<b>\$14,400.00</b>

24. With the exception of the \$2,000 cash withdrawal on April 28, 2017, which Respondent gave to Raices, none of the withdrawals were authorized by Raices.

25. Between June 11, 2014 and March 30, 2018 Respondent used at least \$12,400.00 of Raices' funds for his own personal and or business use.

26. At no time did Raices authorize Respondent to use any portion of funds provided by Daniels for Respondent's own personal and business purposes.

27. Respondent's use of the funds set forth in paragraph 25 above, without authority and for his own personal and business purposes, constitutes the conversion of funds received in connection with the representation of a client.

28. As of March 30, 2018, Respondent converted \$12,400.00 of the funds he should have been holding on Raices's behalf.

29. At the time Respondent engaged in the conversion of those funds, Respondent knew that he was using those funds for his own personal and business purposes, and, in doing so, he acted dishonestly.

30. Between March 2014 and July 2018 Daniels continued to live at the Property. During that time, Respondent acted as landlord for the Property by approving changes in rent payment schedule, contacting Daniels regarding her activities on the property, and discussing repairs to the property with Daniels and Raices.

31. Other than receiving monthly bank statements, Respondent did not keep a ledger or any records with respect to the rent collected on Raices' behalf. Respondent has never performed an accounting of the rent money collected from Daniels.

32. On September 19, 2017, a judgement of foreclosure was entered against Raices and in favor of U.S. Bank with regard to the Property, as described in Count I above. On March 6, 2018, the Property was sold at auction.

33. Between March 2018 and July 2018, Respondent continued to collect rent from Daniels on behalf of Raices even though Raices no longer owned the Property.

34. On September 26, 2018, Respondent transferred the entire balance of xxx1058 IOLTA Account into another IOLTA account he maintained for his law practice.

35. As of the date of the filing of this Complaint, Respondent continues to hold at least \$46,400 in rental income collected from Daniels. Respondent never attempted to distribute that rental income to Raices. Respondent never attempted to determine if any third party may have a claim to the rental income collected from Daniels.

36. 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 a lawyer's possession in connection with a representation separate from the lawyer's own property, by conduct including making cash withdrawals from the Raices IOLTA Account and converting at least \$12,400, and using those funds for his own personal or business purposes, 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 conduct including collecting rent from Tiffany Daniels after March 2018 for a property his client, Edith Raices, no longer owned, without authority; and by conduct including knowingly using \$12,400 of rental income that belonged to Raices for his own personal or business purposes, without authority, in violation of Rule 8.4 (c) of the Illinois Rules of Professional Conduct (2010); and
- c. conduct involving dishonesty, fraud, deceit or misrepresentation, by conduct including knowingly continuing to hold all rental income collected on behalf of

his client, Edith Raices, without authority, in violation of Rule 8.4 (c) 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 pursuant to Supreme Court Rule 753(b), and that the panel make findings of fact, conclusions of facts and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,

Jerome Larkin, Administrator  
Attorney Registration and  
Disciplinary Commission

By:                     /s/ Matthew D. Lango  
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