

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

In the Matter of:

ROBERT ALAN ROTH,
Attorney-Respondent,
No. 3123594.

Commission No. 2022PR00055

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Matthew D. Lango, pursuant to Supreme Court Rule 761, complains of Respondent, Robert Alan Roth, who was licensed to practice law in the State of Illinois on April 26, 1979, and alleges that Respondent has engaged in the following conduct which tends to defeat the administration of justice or to bring the courts or the legal profession into disrepute, and which subjects Respondent to discipline pursuant to Supreme Court Rule 770:

COUNT I

(Conviction for Aggravated Driving Under the Influence of Alcohol Causing Death)

1. In the afternoon of June 2, 2020, Respondent consumed several alcoholic beverages at Matt's Tavern in Crystal Lake, Illinois. Respondent left Matt's Tavern with the intention of driving to Tommy's Restaurant, which is approximately 2.2. miles away, also located in Crystal Lake.

2. After leaving Matt's Tavern, at approximately 4:30 p.m. on June 2, 2020, while driving northbound on Route 31 in Crystal Lake, Respondent caused his SUV to collide with a Jeep, also traveling northbound. As a result, the Jeep crossed into the southbound lanes of traffic on Route 31 and collided with a motorcycle driven by Adam M. Antoni.

FILED
6/29/2022 8:35 AM
ARDC Clerk

3. Following the collision, Antoni was transported to Northwestern Hospital in McHenry, Illinois where he was later pronounced dead as a result of the injuries he sustained in the collision.

4. On June 2, 2020, Crystal Lake Police Officers arrested Respondent at the scene of the collision. The arresting officers transported Respondent to Northwestern Hospital where he agreed to provide a blood sample. Following a blood alcohol test, the arresting officers determined that Respondent's blood alcohol concentration was at least .297 at the time of the accident, which is more than triple the legal limit of .08 in Illinois.

5. On June 4, 2020, the McHenry County State's Attorney's Office filed a four-count criminal complaint against Respondent. The complaint charged Respondent with two counts of aggravated driving under the influence of alcohol causing death, in violation of 625 ILCS 5/11-501(d)(1)(F) and two misdemeanor counts of driving under the influence of alcohol in violation of 625 ILCS 5/11-501(a)(1) and (2). The clerk of the court docketed the matter as *People of the State of Illinois v. Robert Alan Roth*, case number 20CF000423.

6. On June 25, 2021, Respondent pled guilty to count one of the complaint, a Class 2 felony of aggravated driving under the influence of alcohol causing death, in violation of Chapter 625 section 5/11-501(d)(1)(F) of the Illinois Compiled Statutes, in case number 20CF000423. On that date, the Honorable Judge Robert Wilbrandt entered a judgment of conviction against Respondent for the crime of aggravated driving under the influence of alcohol and causing the death of another. Judge Wilbrandt sentenced Respondent to five years imprisonment in the Illinois Department of Corrections. Judge Wilbrandt also fined Respondent \$2,609. Pursuant to Respondent's plea agreement, the State's Attorney dismissed the remaining charges of the complaint. A copy of the judgment of conviction is attached hereto as Exhibit One.

7. As a result of the judgment of conviction and the conduct described above, Respondent has engaged in the following misconduct:

- a. committing a criminal act that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in other respects, by engaging in the crime of felony driving under the influence of alcohol and causing the death of Adam Antoni, in violation of 625 ILCS 5/11-501(d)(1)(F) , and in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct.

COUNT II

(Failure to report his conviction pursuant to Supreme Court Rule 761)

8. The Administrator realleges the facts set forth in paragraphs one through seven, above.

9. Supreme Court Rule 761(a) provides that it is the duty of an attorney admitted in this state who is convicted in any court of a felony or misdemeanor to notify the Administrator of the conviction in writing within thirty days of the entry of the judgment of conviction.

10. A conviction for aggravated driving under the influence of alcohol and causing the death of another, in violation of Chapter 625 Section 5/11-501(d)(1)(F) of the Illinois Compiled Statutes, is a Class 2 felony.

11 Pursuant to Supreme Court Rule 761(a), Respondent was required to notify the Administrator of his conviction on or before July 25, 2021.

12. At no relevant time did Respondent notify the Administrator of his felony conviction in case number 20CF000423 as required by Supreme Court Rule 761(a).

13. As a result of the order of conviction and the conduct described above Respondent has engaged in the following misconduct:

- a. failing to notify the Administrator of his conviction in writing within 30 days after the entry of the judgment of conviction in violation of Supreme Court Rule 761(a).

WHEREFORE, the Administrator respectfully requests that this matter be assigned to a panel of the Hearing Board, that a hearing be held pursuant to Supreme Court 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/Matthew D. Lango
Matthew D. Lango

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Administrator's Exhibit 1

IN THE CIRCUIT COURT OF McHenry COUNTY, ILLINOIS
22nd JUDICIAL CIRCUIT

PEOPLE OF THE STATE OF ILLINOIS)

) Case No 20CF423

Date of Sentence 6-25-21

Date of Birth [REDACTED]
(Defendant)

Vs.
Robert Path
Defendant



JUDGMENT - SENTENCE TO ILLINOIS DEPARTMENT OF CORRECTIONS

WHEREAS the above-named defendant has been adjudged guilty of the offenses enumerated below; IT IS THEREFORE ORDERED that the defendant be and hereby is sentenced to confinement in the Illinois Department of Corrections for the term of years and months specified for each offense.

COUNT	OFFENSE	DATE OF OFFENSE	STATUTORY CITATION	CLASS	SENTENCE	MSR
<u>1</u>	<u>Aggravated Injury Under 18P</u> <u>Intox</u>	<u>6-2-20</u>	<u>625 ILCS 5/11-50(a)(1)</u>	<u>2</u>	<u>5</u> Yrs. <u>0</u> Mos. <u>2</u> Yrs.	
To run (concurrent with) (consecutively to) count(s) _____ and served at 50%, 75%, <u>(85%)</u> , 100% pursuant to 730 ILCS 5/3-6-3						
To run (concurrent with) (consecutively to) count(s) _____ and served at 50%, 75%, 85%, 100% pursuant to 730 ILCS 5/3-6-3						
To run (concurrent with) (consecutively to) count(s) _____ and served at 50%, 75%, 85%, 100% pursuant to 730 ILCS 5/3-6-3						

This Court finds that the defendant is:

_____ Convicted of a class _____ offense but sentenced as a class X offender pursuant to 730 ILCS 5/5-4.5-95(b) on count(s) _____.

The Court further finds that the defendant is entitled to receive credit for time actually served in custody (of 4 days as of the date of this order) from (specify dates) 6/2/20 - 6/5/20. The defendant is also entitled to receive credit for the additional time served in custody from the date of this order until defendant is received at the Illinois Department of Corrections.

_____ The defendant remained in continuous custody from the date of this order.

_____ The defendant did not remain in continuous custody from the date of this order (less days from a release date of _____ to a surrender date of _____).

_____ The Court further finds that the conduct leading to conviction for the offenses enumerated in counts _____ resulted in great bodily harm to the victim. (730 ILCS 5/3-6-3(a)(2)(iii)).

_____ The Court further finds that the defendant meets the eligibility requirements for possible placement in the Impact Incarceration Program. (730 ILCS 5/5-4-1(a)).

The Court further finds that offense was committed as a result of the use of, abuse of, or addiction to alcohol or a controlled substance and recommends the defendant for placement in a substance abuse program. (730 ILCS 5/5-4-1(a)).

_____ The defendant successfully completed a full-time (60-day or longer) Pre-Trial Program _____ Educational/Vocational _____ Substance Abuse _____ Behavior Modification _____ Life Skills _____ Re-Entry Planning - provided by the county jail while held in pre-trial detention prior to this commitment and is eligible and shall be awarded additional sentence credit in accordance with 730 ILCS 5/3-6-3(a)(4) for _____ total number of days of program participation, if not previously awarded.

_____ The defendant passed the high school level test for General Education and Development (GED) on _____ while held in pre-trial detention prior to this commitment and is eligible to receive Pre-Trial GED Program Credit in accordance with 730 ILCS 5/3-6-3(a)(4.1). THEREFORE IT IS ORDERED that the defendant shall be awarded 60 days of additional sentence credit, if not previously awarded.

_____ IT IS FURTHER ORDERED the sentence(s) imposed on count(s) _____ be (concurrent with) (consecutive to) the sentence imposed in case number _____ in the Circuit Court of _____ County.

_____ IT IS FURTHER ORDERED that _____

The Clerk of the Court shall deliver a certified copy of this order to the sheriff. The Sheriff shall take the defendant into custody and deliver defendant to the Department of Corrections which shall confine said defendant until expiration of this sentence or until otherwise released by operation of law.

This order is (effective immediately) (_____ stayed until _____).

DATE: 6-25-21

ENTER: Robert Wilbrant
Robert Wilbrant Robert Wilbrant

(PLEASE PRINT JUDGE'S NAME HERE)

IN THE CIRCUIT COURT OF McHenry COUNTY, ILLINOIS
22c JUDICIAL CIRCUIT

Defendant ROBERT ROTH

Case Number 20 CF 423

JUDGMENT – SENTENCE TO ILLINOIS DEPARTMENT OF CORRECTIONS

IT IS FURTHER ORDERED that _____

DATE: _____

ENTER: Robert A. Wilbrandt
ROBERT WILBRANDT
(PLEASE PRINT JUDGE'S NAME HERE)

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 22nd JUDICIAL CIRCUIT
McHENRY COUNTY

PEOPLE

vs.

ROTH, ROBERT ALAN

Case Number 2020CF000423

Document Date: 6/25/2021
Document Type: ORDER - JUDGMENT
Number of Pages: 3

CERTIFICATION

I, Katherine M. Keefe, Clerk of the 22nd Judicial Circuit Court, McHenry County, Illinois, do hereby certify the attached correct copy as it appears from the records and files in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the said Court.

DATE June 28, 2022

Katherine M. Keefe

KATHERINE M. KEEFE
Clerk of the Circuit Court
22nd Judicial Circuit
McHenry County, Illinois

