

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

In the Matter of:

ROBERT WILLIAM DEKELAITA,

Attorney-Respondent,

No. 6242769.

Commission No. 2017PR00031

NOTICE OF FILING

TO: Mathew Lango
Counsel for Administrator
One Prudential Plaza

130 East Randolph Drive, #1500
Telephone: (312) 565-2600
ARDCeservice@iardc.org
MLango@iardc.org

PLEASE TAKE NOTICE that on September 9, 2024, I will file my Answer to the First Amended Complaint, a copy of which is attached, causing the original to be delivered to the Clerk of the Attorney Registration and Disciplinary Commission in Chicago, Illinois.

Respectfully submitted,

By: /s/Robert William DeKelaita
Robert William DeKelaita
Attorney-Respondent

Robert William DeKelaita
Attorney-Respondent
9009 W. Golf Rd. Apt10-I
Des Plaines, IL 60016
(847) 769-0843
dekelaitaconsulting@gmail.com

FILED
9/9/2024 1:59 PM
ARDC Clerk

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Answer to First Amended Complaint

TO: Mathew Lango
Counsel for the Administrator
Attorney Registration and
Disciplinary Commission
One Prudential Plaza
130 East Randolph Drive, Suite 800
Chicago, IL 60601

Jose A. Lopez, Jr.
Chairperson of a Panel
of the Hearing Board
Attorney Registration and
Disciplinary Commission
One Prudential Plaza
130 East Randolph Drive, Suite 800
Chicago, IL 60601

1. Respondent admits the first part of paragraph 1 in the complaint in connection with his immigration practice in Lincolnwood, Skokie, and Morton Grove, IL, but does not admit that he “hired” any translators. The names of translators were provided to clients and the clients chose a particular translator. At no time were either Yousif Yousif (“Yousif”) or Adam Benjamin (“Benjamin”) hired by the respondent. Respondent admits he employed two associate attorneys, Alen Takhsh (“Takhsh”) and Alan Jacob (“Jacob”).
2. Respondent denies the allegation that he “obtained fraudulent Form I-94s” contained in paragraph no. 2. An I-94 Form is a document given by the US government to persons granted asylum in the United States or given to a visitor visa abroad by the US government. Alleging Respondent “obtained fraudulent” documents that are produced by the US government is false, misleading, and not the basis of the conviction in this matter. If this is the case, the charge can be furthered to include all Legal Permanent Resident cards, all

citizenship certificates, and any other document produced by the US government in any of the cases presented in this matter. Further, respondent unequivocally and emphatically asserted his innocence as to the various charges leveled at him by the US Attorney's office at the prompting of the Department of Homeland Security. Respondent was able to contest and subsequently reduce through prolonged litigation the multiple counts of the government's complaint so that one count has remained – that of “conspiracy” - a count which was upheld by the recent decision of the 7th Circuit Court of Appeals on July 24, 2024.

The allegation that Respondent “knowingly subscribed as true, false statements related to a material fact in an application” was denied at trial and is being denied herein. Additionally, the Respondent denied and denies that he intentionally presented I-589s with false information. This is an allegation made by the government's complaint. It was contested by the Respondent throughout the trial and appeal process, though ultimately unsuccessfully.

3. Respondent has previously denied the allegations contained in paragraph 3 and notes that neither Adam Benjamin nor Yousif Yousif testified in Respondent's trial as to any conspiracy. Respondent concedes he charged legal fees in exchange for legal services.
4. Respondent admits the allegation that he conducted “screening interviews of his clients...” in paragraph 4. This is normal procedure for any attorney and it was Respondent's common practice with all clients. The next allegation is that “Respondent, [sic] or directed the two associate attorneys Takhsh, Jacob or others to complete Form I-589 on behalf of his clients using false information” is false in that at no time did Takhsh and Jacob testify or state that they had completed any Form I-589 using “false information” nor did the complaint contain any assertion of the same. At no time, in any court, did Takhsh or Jacob, both of whom were cleared by the ARDC of any wrongdoing, in particular conspiracy, testify or state that the associates were told to place any “false information” in any Form I-589. In no case, no form, and no document can the allegation that Takhsh and Jacob “or others” be sustained under any reasonable standard of proof.
5. Respondent denies the allegation contained in paragraph 5 as to “non-existent accounts of purported religious persecution” of Iraq's Christians. Respondent asserted and hereby asserts that the religious persecution of Iraq's Christians is real, painful, and horrific. Insofar as certain witnesses, many over a decade later, claimed – or were perhaps forced to

claim – that the persecution of the Christians of Iraq, known as Assyrians (or Chaldeans or Syriacs) is not real, was bewildering. Respondent denies that he submitted false baptismal certificates for known Christians – who testified at trial that in fact they were Christians – for no apparent reason than to assert their correct identity.

6. Respondent denies the allegation that “without his clients’ knowledge or permission” he signed their names on “certain Form I-589s.” It is necessary that every person who files a Form I-589 present himself or herself for testimony in person and under oath and to sign the form a second time before an Asylum Officer and to testify that everything contained in the Form I-589 is true and correct. In every single case, every witness that testified came before an Asylum Officer and swore under oath that his or her Form I-589 was true and correct and testified to the contents contained in it.

Respondent further denies that he or anyone acting under him intentionally “presented false information” to asylum officers. It is important to note that as part of its investigation, the government recorded a number of the interviews the Respondent attended. In not one single case is the Respondent – or anyone employed by him or associated with him – presenting false information.

7. Respondent denies the allegations contained in paragraph 7 and such allegations were contested at Respondent’s trial. Further, Benjamin never testified in court to any conspiracy. Finally, witnesses did testify to giving false testimony and did use, with the assistance of the government, the benefits they received as asylees to obtain lawful permanent residence, without any assistance from the Respondent.
8. Respondent admits the contents of paragraph 8 in the complaint.
9. Respondent admits the contents of paragraph 9 in the complaint.
10. Respondent admits the contents of paragraph 10 in the complaint with a correction: the jury found only one statement out of the 4 offered by the government within counts Five, Six, and Seven to uphold, which was later vacated by the Judge, so that only Count One remained of the eight-count second superseding indictment (“indictment”).
11. Respondent admits the allegation contained in paragraph 11.
12. Respondent admits the allegation in paragraph 12 of the complaint.
13. Respondent admits that the government filed a Motion seeking restitution, which was denied by the Judge.

14. Respondent admits the allegation concerning his sentencing, but seeks to clarify that the fine he paid was not what the government had as the basis of its Motion, but was instituted by Judge Kennelly.
15. Respondent admits the allegation in paragraph 15 of the complaint.
16. Respondent admits the allegation in paragraph 16 of the complaint.
17. Respondent admits the allegation in paragraph 17 of the complaint.
18. Respondent admits he was convicted as set forth in the complaint and that his conviction for Count One of Conspiracy was upheld by the 7th Circuit Court of Appeals on July 24, 2024.

WHEREFORE, Respondent requests that the allegations contained in the complaint and the answers provided herein by the Respondent be taken under advisement and a hearing be held to make findings of fact and determinations of law.

Respectfully submitted,

By: /s/Robert William DeKelaita

Robert William DeKelaita
Attorney-Respondent

Date: September 9, 2024