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DISMISSAL

Case No. 13-32-GA

Timothy A. Stoepker, P 31297, Grand Rapids, Michigan, by the Attorney Discipline Board, affirming Kent County Hearing Panel #3's decision granting respondent's motion for involuntary dismissal and denial of motion for additional findings.

1. Dismissal
2. Effective June 12, 2014

Formal Complaint 12-81-GA initially charged respondent with: (1) violating the criminal law, specifically, the Michigan Campaign Finance Act, MCL 169.254 (prohibiting corporate contributions to campaigns and providing that an agent's actions in violation of this provision shall constitute a felony), contrary to MCR 9.104(5) and MRPC 8.4(b); and, (2) alleging that answers given by respondent while testifying as a witness during a deposition in a civil action were "intentionally and knowingly false and misleading," contrary to MRPC 8.4(b). Respondent challenged the criminal conduct charge prior to hearing on the grounds that the Michigan Campaign Finance Act, MCL 169.254, prohibiting corporate contributions to campaigns had been subsequently declared unconstitutional following the conviction of respondent's client. The panel and the Board denied summary disposition and respondent filed a petition for superintending control with the Michigan Supreme Court. The Court reversed the Board's decision on the grounds that the criminal charges were moot in light of *Citizens United v FEC*, 558 US 310; 130 S Ct 976; 175 L Ed 2d 753 (2010).

The case then proceeded to hearing on the allegations of an amended formal complaint regarding only respondent's testimony at the deposition. At the conclusion of the May 5, 2014 hearing, respondent's counsel moved for involuntary dismissal. The hearing panel, having reviewed the exhibits and testimony, found no facts to support the allegations that Mr. Stoepker was untruthful or otherwise acted improperly, granted the motion for involuntary dismissal and Amended Formal Complaint 13-32-GA was dismissed in its entirety on May 11, 2014. The Grievance Administrator filed a motion for additional findings on June 11, 2014, which was also denied by the hearing panel on July 8, 2015.

The Grievance Administrator filed a petition for review on July 25, 2014, and, on July 7, 2015, the Attorney Discipline Board affirmed the hearing panel's involuntary dismissal and denial of motion for additional findings. No costs were assessed against respondent.

Mark A. Armitage

Dated: AUG - 5 2015