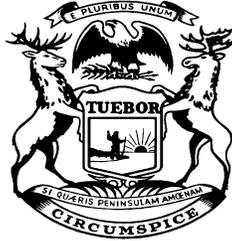


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NOTICE OF SUSPENSION AND RESTITUTION WITH CONDITION

Case No. 18-19-GA

Notice Issued: September 23, 2021

Gary D. Nitzkin, P 41155, Scottsdale, Arizona, by the Attorney Discipline Board, affirming Tri-County Hearing Panel #69's Order of 90-Day Suspension and Restitution With Condition and Ordering Additional Restitution

Suspension - 90 Days, Effective September 22, 2021

Tri-County Hearing Panel #69 found that respondent committed professional misconduct in connection with his consumer credit protection practice, his advertising for his practice, and his representation of various clients in actions pertaining to the Fair Credit Reporting Act and Fair Debt Collection Practices Act. The panel found that respondent had a "troubling pattern of practice, which was designed to deceive unsuspecting and/or unsophisticated clients who had been subjected to debt collection actions and/or inaccurate credit reporting into signing engagement agreements with the mistaken belief that they would receive 'free' representation," when in fact they would not. The panel found multiple violations of MRPC 1.4(a) and (b); 1.5(b); 1.16(d); 5.3(a)-(c); 7.1(a); and MCR 9.104(4) as well as a violation of MRPC 1.15(b)(1), 1.15(b)(3), 1.15(c), 1.15(d), as charged in the formal complaint. The panel did not find violations of MRPC 1.2(a), 1.5(a), 5.1(a)-(c), 8.4(a) and (b), and MCR 9.104(1), (2) or (3), as charged in the formal complaint.

The panel ordered that respondent's license to practice law in Michigan be suspended for a period of 90 days, that he pay restitution to five clients as set forth in the order, and that he be subject to a condition relevant to the established misconduct.

On August 24, 2021, and August 25, 2021, respectively, respondent and Complainant Stephan Wilson filed petitions for review of the panel's decision pursuant to MCR 9.118. Respondent requested and received an automatic stay of the hearing panel's order, pursuant to MCR 9.115(K). After review proceedings held in accordance with MCR 9.118, the Board issued an order on April 27, 2021, that affirmed the hearing panel's order of suspension and restitution with condition in its entirety, and ordered that additional restitution be paid to Mr. Wilson.

On May 25, 2021, respondent filed a motion for reconsideration which resulted in an automatic stay of the Board's order, pursuant to MCR 9.118(E). On August 24, 2021, the Board issued an order denying respondent's motion for reconsideration. As a result, the Board's order of suspension and restitution with condition and ordering additional restitution became effective on September 22, 2021. Costs were assessed in the total amount of \$7,935.88.