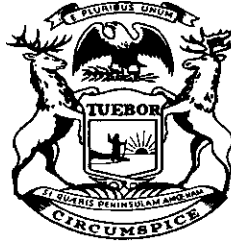


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**DISMISSAL**

Case No. 08-111-GA

Kim Thomas Capello, P 27062, Novi, Michigan, by the Attorney Discipline Board Tri-County Hearing Panel #51.

1. Dismissal
2. Effective January 5, 2010

In this matter, respondent was charged with knowingly acquiring an ownership, possessory, security or other pecuniary interest averse to a client; acquiring a proprietary interest in the subject matter of litigation the lawyer is conducting for a client; engaging in conduct that is prejudicial to the administration of justice; engaging in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach; engaging in conduct that is contrary to justice, ethics, honesty or good morals; and engaging in conduct that is violation of the Michigan Rules of Professional Conduct. The complaint further alleged that respondent's conduct was in violation of MCR 9.104(A)(2)-(4); and Michigan Court Rules 1.8(a) and (j); and 8.4(a) and (c).

The panel dismissed the allegations, finding that the Grievance Administrator failed to establish that respondent violated the Michigan Rules of Professional Conduct as set forth in the formal complaint. No costs were assessed against respondent.

  
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John F. Van Bolt

Dated: **JAN - 5 2010**  
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