

NOTICE OF SUSPENSION AND RESTITUTION
(Pending Appeal)

Case Nos. 06-60-GA; 06-73-FA

Notice Issued: November 22, 2006

Richard C. Holst, P 26110, Wyoming, Michigan by the Attorney Discipline Board
Kent County Hearing Panel #1.

1. Suspension - 60 Days
2. Effective December 15, 2006

Respondent was found to be in default for his failure to file an answer to the formal complaint, but he did appear at the public hearing. While the panel found that the allegations in Formal Complaint 06-60-GA were deemed to be admitted based on respondent's default, the panel also found that the testimony and evidence presented at the hearing did not form a factual basis for a finding of misconduct with regard to Count One and that count was dismissed. With regard to Count Two, the panel found that respondent failed to promptly pay or deliver funds to his client; failed to render a full accounting of those funds upon request; and failed to refund the advanced portion of the fee paid by his client. However, the panel also stated that the remaining allegations in Count Two were not supported by the testimony and evidence presented. The panel noted that "while . . . respondent was cavalier in his obligation to provide timely information to the Attorney Grievance Commission, we are unable to conclude that his responses rose to a level of knowing false statements or knowing misrepresentations as charged in the complaint."

Respondent's conduct was in violation of Michigan Rules of Professional Conduct 1.15(b)(3) and 1.16(d). The panel ordered that respondent's license to practice in Michigan be suspended for 60 days and that he pay restitution.

On November 14, 2006, the Grievance Administrator filed a timely petition for review which will be scheduled for hearing before the Attorney Discipline Board.