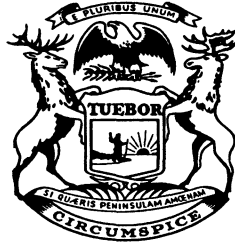


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DISMISSAL

Case No. 06-02-GA

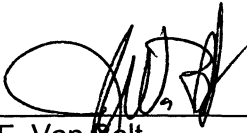
Timothy S. Barkovic, P 29797, St. Clair Shores, Michigan, by the Attorney Discipline Board
Tri- County Hearing Panel #102.

1. Dismissal
2. Effective September 5, 2006

The formal complaint filed by the Grievance Administrator charged that respondent, upon passing through the metal detector at the entrance to the Macomb County Circuit Court Building with packages in his hands, triggered the alarm. A Protective Services Officer stopped respondent and asked him to re-enter the detector and to place his packages on the conveyor belt. Respondent refused to place his packages on the conveyor belt and began to loudly claim that he had been assaulted. The complaint charged that respondent's conduct was in violation of MCR 9.104(A)(1), (2) and (4); and Michigan Rules of Professional Conduct 3.4(c); 6.5(a); and 8.4(a) and (c).

The hearing panel unanimously granted the respondent's motion to dismiss Formal Complaint 06-02-GA, agreeing with respondent's counsel that the evidence, even when considered in the light most favorable to the positions taken by the Grievance Administrator, do not support a finding that respondent's conduct violated the specific violations set forth in the formal complaint. In particular, the panel was unable to conclude that respondent's conduct, even if it had been found to have been rude and belligerent, violated the literal language of the Macomb County Court's Administrative Order 1999-3. The panel also considered the arguments regarding the applicability of MRPC 6.5(a) and do not believe that the prohibitions against discourteous conduct in that rule extend to the factual situation presented here.

The formal complaint was dismissed, with prejudice, and without costs.



John F. Van Bolt

Dated: _____

SEP 5 2006