

**NOTICE OF REPRIMAND WITH CONDITIONS**  
**(By Consent)**

Case No. 01-2-GA

**Notice Issued: April 18, 2001**

Kim Thomas Capello, P-27062, Novi, Michigan, by the Attorney Discipline Board Tri-County Hearing Panel #73.

1. Reprimand;
2. Effective April 18, 2001.

The respondent and the Grievance Administrator filed a stipulation for a consent order of discipline in accordance with MCR 9.115(f)(5) which was approved by the Attorney Grievance Commission and accepted by the hearing panel. Respondent admitted the allegations of misconduct in Count One and offered a plea of no contest to Count Four of Formal Complaint 01-2-GA, specifically: With regard to a business arrangement between respondent and his client, respondent failed to advise his client to obtain independent counsel; failed to provide full written disclosure of the terms of the arrangement; and failed to obtain his client's consent in writing. Further, in an effort to resolve a dispute between himself and his client, respondent presented a settlement and release which included terms that his client would actively pursue the dismissal of the pending grievance against respondent. Respondent's conduct was in violation of MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 1.7(b); 1.8(a); 8.4(a) and (c).

Based upon the stipulation of the parties, the hearing panel ordered that respondent be reprimanded with conditions relative to the established misconduct. Counts Two and Three of Formal Complaint 01-2-Ga were dismissed. Costs were assessed in the amount of \$542.36.