

**NOTICE OF SUSPENSION AND RESTITUTION**  
**(By Consent)**

Case No. 01-42-GA

**Notice Issued: July 19, 2001**

Kenneth R. Rastello, P-49509, Grand Rapids, Michigan, by Attorney Discipline Board Kent County Hearing Panel #5.

1. Suspension - 2 Years;
2. Effective December 20, 2000.<sup>1</sup>

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 pled no contest to the allegations of professional misconduct contained in subparagraphs 7(a) and (b) of Count One; Count Two; and subparagraphs 18(a) and (b) of Count Three of Formal Complaint 01-42-GA, specifically: In two matters, respondent took no action on behalf of his clients; and failed to return unearned fees. In another matter, respondent continued to practice law while suspended and provided his client with false documents. Respondent's conduct was in violation of MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 1.1(c); 1.3; 1.16(d); and 8.4(a) and (c). The parties agreed that subparagraph 7(c) of Count One and subparagraph 18(c) of Count Three of Formal Complaint 01-42-GA should be dismissed. The parties further agreed that respondent pay restitution and that his license be suspended for two years, retroactive to December 20, 2000.

The hearing panel ordered that respondent's license be suspended for two years to run concurrently with a two year suspension now in effect. The panel further ordered that respondent pay restitution in the aggregate amount of \$5,340.00. Costs were assessed in the amount of \$4.16.

<sup>1</sup> Respondent's license to practice law has been suspended since January 5, 2000. See Notice of Suspension with Conditions, dated January 7, 2000.