

NOTICE OF SUSPENSION AND RESTITUTION
(With Conditions)

Case No. 00-129-GA

Notice Issued: January 12, 2001

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

1. Suspension - 2 Years;
2. Effective December 20, 2000.¹

Based upon the stipulation of the parties during the public hearing held November 10, 2000, respondent offered a response of "no contest" to the charges of professional misconduct found in Count One, paragraph 8(b); Count Three, paragraphs 12(a),(b), and (c); Count Four; Count Five; Count Seven, paragraph 40(a); Count Eight; Count Nine, paragraphs 52(a), (b), and (c); Count Ten; Count Twelve, paragraph 68(b); and Count Thirteen, paragraphs 74(d), (e), (f), (g), and (h), to wit: That respondent had failed to appear at immigration hearings on behalf of three clients; failed to inform a client that he would not appear for a hearing; converted two client checks for his own personal use; made false statements to two clients regarding documents connected to their matter; failed to file documents on behalf of two clients; failed to return unearned fees to a client; failed to represent three clients diligently and competently; failed to further their objectives through reasonable means permitted by law; and failed to avoid prejudicing their interests. Further, respondent failed to take any action on behalf of three clients; and abandoned the representation of four clients. Respondent's conduct was in violation of MCR 9.104(1)-(5); and Michigan Rules of Professional Conduct 1.1(c); 1.3; 1.4; 1.5(a)-(c); 1.16(d); 3.2; and 8.4(a) and (c). The parties further stipulated that all remaining Counts and/or paragraphs may be dismissed.

The hearing panel ordered that respondent's license be suspended for two years with conditions relevant to the established misconduct. Respondent was also ordered to pay restitution in the aggregate amount of \$3,000.00. Costs were assessed in the amount of \$1,105.36.

¹Respondent's license to practice law in the State of Michigan has been continuously suspended since January 5, 2000. See Notice of Suspension with Conditions dated January 7, 2000.