STATE OF MICHIGAN

Attorney Discipline Board

Grievance Administrator,

Petitioner/Appellee,

v

Rebecca S. Tieppo, P 62311

Respondent/Appellant.

Case No. 22-82-GA

Decided: April 30, 2025

Appearances

Michael K. Mazur, for the Grievance Administrator, Petitioner/Appellee
Rebecca S. Tieppo, In Pro Per, Respondent/Appellant

BOARD OPINION

Tri-County Hearing Panel #8 issued an Order of Suspension and Restitution with Conditions on August 28, 2024, suspending respondent’s license to practice law for a period of 30 days, effective September 19, 2024. The Order also included conditions relevant to the misconduct, specifically that, within 90 days of the effective date of the order of suspension, respondent must: 1) undergo an assessment by the State Bar of Michigan Practice Management Resource Center and schedule additional appointments, if necessary; 2) complete at least one continuing education course focused on professionalism and/or civility; and, 3) schedule an assessment with the Lawyers and Judges Assistance Program (LJAP), within 90 days of the effective date of the order of suspension, and, if necessary, develop a plan with LJAP to address any ongoing concerns and needs, including mental and physical health and family and financial stressors.

On September 18, 2024, respondent filed a petition for review with the Board arguing that the panel's findings of misconduct were erroneous and that the discipline imposed was excessive.[1] Respondent also requested a stay of the order of discipline, which was granted automatically pursuant to MCR 9.115(K).

The Attorney Discipline Board has conducted review proceedings in accordance with MCR 9.118, which included a review of the record before the hearing panel and consideration of the arguments and briefs submitted by the parties. For the reasons discussed herein, we affirm the panel's findings of misconduct, with one exception as discussed below.[2] Further, we affirm the 30-day suspension and conditions imposed by the panel.

I. Factual Background

On November 10, 2022, the Grievance Administrator filed a three-count formal complaint against respondent. The first two counts relate to respondent's representation of Louis Telerico in the matter titled *State Wide Electrical Energy*

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[1] Respondent also filed several motions at the time she filed her petition for review including a Motion for Immediate Dismissal, and a Motion for De Novo Review and Reconsideration of the Respondent's Emergency Motions filed November 8, 2023. Respondent's various motion's have been considered as part of her request for relief in her petition for review.

[2] In their findings of misconduct, the panel also found that respondent violated MCR 9.104(4) in Counts One and Two, which were not charged in the formal complaint. As a matter of due process, a respondent may not be found guilty of misconduct that is not alleged in the formal complaint. *Grievance Administrator v Thomas J. Shannon,* 91-76-GA (ADB 1992), citing *In re Freid,* 388 Mich 711 (1972), and *In re Ruffalo*, 390 US 544 (1968). As such, the Board has not considered these findings and they are vacated. Ultimately, the panel's findings in this regard had no impact on either their analysis of the sanction to impose against respondent or the Board's instant analysis, and are thus harmless error.

Services v Susan Happley and William Happley, Case No. 15-003598-CK, and events subsequent thereto. The third count relates to respondent's failure to answer a request for investigation. A proper understanding of the issues involved in this case warrants discussion of the facts relating to respondent's representation of Mr. Telerico.

Count One involves respondent's conduct while attorney of record on the case. In February 2017, Louis Telerico retained respondent to represent his company, State Wide Electrical Services against Susan and William Happley. Respondent filed her appearance in the matter on March 6, 2017. Respondent was paid a $5,000 flat fee for the representation. The defendants filed a motion for an order to show cause for the alleged failure of State Wide Electrical, and respondent, to comply with proper discovery requests and provide documentary evidence properly requested. A hearing on the motion for an order to show cause was set for June 15, 2018.

In the days before the show cause hearing, respondent advised opposing counsel that she had
a conflict with the hearing date, but did not request an adjournment from the court. Instead, respondent contacted another attorney, William Weiler, and requested that he attend the hearing on her behalf. Respondent also did not file a response to the motion for an order to show cause. Neither respondent nor Attorney Weiler appeared at the show cause hearing. As a result, the court issued an Order for Plaintiff to Pay Defendants' Costs and Attorney Fees and for Issuance of Bench Warrant for Arrest of Louis Vincent Telerico, which assessed $7,000 in attorney fees, and set bond against Mr. Telerico in the amount of $10,000.

Respondent filed a motion for reconsideration, which the court denied. A bench warrant was then issued for Mr. Telerico's arrest.

Count Two involves respondent's conduct after her representation of Mr. Telerico was terminated. After he terminated respondent's services, Mr. Telerico requested his client file back from respondent. After not receiving his client file, Mr. Telerico went to respondent's home to try to secure his file but was informed that respondent was not home. After Mr. Telerico left respondent's home, respondent sent a series of texts to Mr. Telerico threatening to take out a personal protection order against him. Following those texts, Mr. Telerico sent a letter to respondent, again asking for his client file. In response, respondent's husband sent a long text to Mr. Telerico advising that he could meet respondent's husband at Walmart to pick up his file, and threatened that the files would be thrown away if Mr. Telerico did not meet him. No meeting at Walmart occurred, and respondent's husband then left a voicemail on Mr. Telerico's telephone that included numerous obscenities and overt threats. Mr. Telerico has had no contact with respondent or her husband since that voicemail.

Count Three involves respondent's alleged failure to file an answer to the request for investigation underlying the formal complaint in this matter.

II. Panel Proceedings

The Grievance Administrator filed the formal complaint on November 10, 2022 and properly served respondent. Respondent initially failed to answer the formal complaint, and on December 12, 2022, a default was entered against her. Respondent subsequently filed a motion to set aside the default. The panel denied respondent's motion on April 21, 2023. On May 14, 2023, respondent filed a petition for interlocutory review, pursuant to MCR 9.118, of the panel's denial of her motion to set aside the default. On September 11, 2023, the Board issued an order granting interlocutory review, vacating the panel's order denying respondent's motion to set aside default, accepting respondent's answer to the formal complaint, and remanding the matter to the hearing panel for further proceedings, including an evidentiary hearing on the charges set forth in the formal complaint.

The misconduct hearings in this matter were held on November 9 and November 13, 2023. A total of four witnesses were called over the two days of hearing, and a total of 27 exhibits were introduced. On February 9, 2024, the panel issued its misconduct report. In Count One, the panel found that respondent: neglected a client matter, in violation of MRPC 1.1(c); failed to act with reasonable diligence and competence in representing a client, in violation of MRPC 1.3; engaged in conduct prejudicial to the administration of justice, in violation of 8.4(c) and MCR 9.104(1); and, engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3). The panel further found that the Grievance Administrator failed to carry his burden with regard to charged violations of MRPC 1.4(a) and MCR 9.104(2), which the panel dismissed.

In Count Two, the panel found that respondent failed to take steps to protect her client's interest upon conclusion of the representation, in violation of MRPC 1.16(d), and that her conduct also violated MCR 9.104(3).[3] Also with regard to Count Two, the panel found that the Grievance Administrator failed to carry its burden as to several charges, as follows: MRPC 5.3, for failing to adequately supervise employees; MRPC 6.5, for failing to treat all members of the legal process

[3] Again, with regard to Counts One and Two, the panel found that respondent violated MCR 9.104(4), however, violations of MCR 9.104(4) were not actually charged in either count. See footnote 2.

with courtesy and respect; MRPC 8.4(c) and MCR 9.104(1), for engaging in conduct prejudicial to the proper administration of justice; and MCR 9.104(2) for engaging in conduct exposing the legal profession to obloquy, contempt, censure, and reproach. Accordingly those charges were dismissed. As to Count Three, the panel found that respondent failed to knowingly answer a request for investigation or demand for information in conformity with MCR 9.113(A)-(B)(2), in violation of MCR 9.104(7) and MRPC 8.1(a)(2); engaged in conduct prejudicial to the proper administration of justice, in violation of MCR 9.104(1) and MRPC 8.4(c); engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3); and, engaged in conduct that violates the Michigan Rules of Professional Conduct, in violation of MCR 9.104(4).[4] Also with regard to Count Three, the panel found that the Grievance Administrator failed to carry its burden as to the charge that respondent violated MRPC 8.4(b), for engaging in conduct involving fraud, deceit and/or misrepresentation; and, MCR 9.104(2), for engaging in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach. Accordingly, those charges were dismissed.

The sanction hearing was held on April 26, 2024. Several exhibits were offered, including copies of three prior admonishments issued against respondent. Respondent testified. Counsel for the Grievance Administrator argued that respondent's license to practice law should be suspended for a period of 180 days,

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[4] Respondent's defenses and arguments as to Count Three are that the Covid-19 pandemic created challenges for her to file an answer, and that she was under the mistaken belief that she had been given an additional extension to answer the request for investigation which she admittedly has no documentation or confirmation to support. Respondent's defenses to Count Three are without arguable merit and will not be further addressed herein.

requiring her to undergo reinstatement proceedings pursuant to MCR 9.123(B) and MCR 9.124. Respondent argued that since that she had not committed misconduct, that she should not be disciplined. Alternatively, respondent argued that if discipline was going to be imposed, that it should not exceed a reprimand.

On August 28, 2024, the panel issued their sanction report, which ordered respondent to be suspended for 30 days, with the conditions set forth above. Respondent filed a timely petition for review. Despite arguing at the sanction hearing that respondent needed to be suspended for 180 days, the Grievance Administrator did not file a petition for review or cross-petition for review and instead requests that the Board affirm the hearing panel's order of suspension with conditions in its entirety.

III. Discussion

Respondent herein challenges both the panels' findings of misconduct and the discipline imposed. When a hearing panel's findings are challenged on review, the Board must determine whether the panel's findings of fact have "proper evidentiary support on the whole record." *Grievance Administrator v August*, 438 Mich 296, 304; 475 NW2d 256(1991). "This standard is akin to the clearly erroneous standard [appellate courts] use in reviewing a trial court's findings of fact in civil proceedings." See *Grievance Administrator v Ernest Friedman*, 18-37-GA (ADB 2019). In short, "it is not the Board's function to substitute its own judgment for that of the panels' or to offer a de novo analysis of the evidence." *Grievance Administrator v Carrie L. P. Gray*, 93- 250-GA (ADB 1996).

Respondent argues that the panel's findings of misconduct are not supported by the record, and asserts "that the Panel findings reflect mischaracterizations of Respondent's assertions and evidence, while also inexplicably granting deference to Petitioner Grievance Commission's witnesses, evidence and arguments over the same provided by Respondent." (Respondent's brief p 3.) We disagree. Contrary to respondent's argument in this regard, there is no evidence that the panel "inexplicably granted deference" to the Grievance Administrator. Rather, their findings indicate that they weighed the evidence carefully. In fact, the panel dismissed several of the charges in Count Two, when they found the record insufficient to establish certain violations that were charged. The panel attached substantial weight to certain evidence and witnesses presented by the Grievance Administrator, not out of "deference," but because the evidence was relevant, admissible, and probative of the allegations against respondent.

In Count One, the findings against respondent were that she neglected a client matter, in violation of MRPC 1.1(c), and failed to act with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3, resulting from her failure to attend the show cause hearing on behalf of Mr. Telerico. Respondent proffered two defenses to these charges. First, respondent testified that she contacted "court personnel" in an attempt to have the matter adjourned, and that she considered filing a motion to adjourn but ultimately failed to do so. Respondent did not present or question the "court personnel" she allegedly contacted, and no written correspondence was introduced evidencing any communication between respondent and the court regarding her inability to attend the hearing. The panel did not find respondent's testimony credible. Further, neither of these actions purportedly taken by respondent, alone, protected Mr. Telerico's interest in any way. Respondent did not testify that she was told that the hearing would be adjourned, nor did she actually file a motion to adjourn. As such, even if true, neither of these purported actions are relevant to whether respondent acted with reasonable diligence on her client's behalf.

Respondent's second defense is that attorney William Weiler agreed to attend the hearing in her place. However, Attorney Weiler testified at the hearing in direct contradiction to respondent's assertion. On direct questioning from respondent regarding the motion hearing in question, Attorney Weiler testified:

> No, I recall definitely telling you I was not going to appear at that Show Cause Hearing for a number of reasons. Number one, there was never any response filed by you to that Show Cause Hearing. Number two, the whole case was a hot potato that I didn't want to get involved in. If somebody was going to be held in contempt of the court, it wasn't going to be on my watch. Number three, you were calling me at the last minute to see if I could stand in. [Tr 11/9/23, p 249.]

As such, not only did Attorney Weiler testify that he was asked and declined to cover the hearing for respondent, but he also testified as to specific characteristics of the hearing that influenced his decision in that regard. The panel found Attorney Weiler's testimony to be credible. We traditionally defer to the panel on issues of credibility. *Grievance Administrator v Sheldon L. Miller*, 90-134-GA (ADB 1990). Respondent has not presented any basis for the Board to disturb the panel's conclusion as to the credibility of Attorney Weiler's testimony.

Further, the motion before the court was for an order to show cause against respondent's client, State Wide Electrical, that was seeking costs, fees, and possibly a bench warrant. This was not a hearing that another attorney could be expected to simply cover without substantial knowledge and familiarity with the case, nor is it certain that the court would have allowed Attorney Weiler to appear instead of respondent even had he agreed to do so. If respondent had a conflict that was going to make her appearance at the hearing impossible, she should have filed a motion to adjourn the hearing. What was not permissible was for respondent to simply fail to appear at the hearing. As such, the panel's finding that respondent failed to act with reasonable diligence both by failing to appear for the hearing and failing to file a motion to adjourn the hearing, is supported by the record.

However, as to the panel's finding that respondent neglected a client matter in violation of MRPC 1.1(c), we disagree that there is sufficient evidence in the record to support the panel's finding. The Board has previously had occasion to address specifically what constitutes neglect. In *Grievance Administrator v Bruce Sage*, 96-35-GA (ADB 1997), noting an ABA informal ethics opinion cited in *Grievance Administrator v Carrie L.P. Gray*, 93-250-GA (ADB 1996), the Board set forth that "neglect involves indifference and a consistent failure to carry out the obligations that the lawyer has assumed for his client or a conscious disregard for the responsibility owed to the client. The concept of ordinary negligence is different. Neglect usually involves more than a single act or omission." *Id* at 4.

The Grievance Administrator did not allege, nor does the record indicate, that respondent's failure to appear for the show cause hearing was part of a larger pattern by respondent of ignoring or abandoning Mr. Telerico's matter, or a consistent failure to carry out her obligations as an attorney. The Grievance Administrator did not allege any other failings on respondent's part in the State Wide Electrical matter, and there is evidence in the record that respondent filed a motion for reconsideration soon after the hearing was held. Our finding in this regard is not intended to minimize respondent's conduct as it pertains to her failure to address or appear at the show cause hearing, nor the prejudice resulting therefrom, but as a matter of law, the record in this case simply does not support a finding of neglect, as contemplated by MRPC 1.1(c).

As to Count Two, the panel's findings also have proper evidentiary support in the record. The panel found that respondent failed to take steps to protect her client's interest upon the conclusion of the representation, in violation of MRPC 1.16(d). The testimony and evidence in the record indicates that Mr. Telerico requested his file from respondent on no less than three occasions, including going to respondent's home after multiple emails to respondent did not result in the receipt of his file. The panel found as follows:

> Admittedly, beginning in 2019, Mr. Telerico and his representatives requested a return of his files, as Respondent no longer was doing work related to them [Amended Answer to Complaint, ¶ 20; Tr. 11/09/23, p. 71]. These requests continued through 2020 and 2021 [Amended Answer to Complaint, ¶ 22; Tr. 11/09/23, pp. 72-73]. Although Respondent agreed to return Mr. Telerico's legal files, she admittedly did not do so until after Mr. Telerico submitted a grievance against her to the Attorney Grievance Commission [Tr. 11/09/23, pp. 72-73; Amended Answer to Complaint; ¶¶ 23-25]. Respondent testified that she could not arrange a time to drop off the files and did not want to leave them with anyone other than Mr. Telerico, and later that she did not want to have contact with Mr. Telerico after he had come to her home [Tr. 11/09/23, pp. 98-99]. She also apparently was not confident in using the U.S. Postal Service or a private commercial delivery/courier service to return the files to Mr. Telerico [Tr. 11/09/23, pp. 99-100].
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> As Mr. Telerico did not receive his legal files despite repeated requests, there is no dispute that, without scheduling an appointment, he went to Respondent's home on November 1, 2021 to attempt to pick up his files. Only Respondent's 10-year-old son was home at the time of Mr. Telerico's visit, and her son reportedly became afraid

> of Mr. Telerico and/or his behavior [Tr. 11/09/23, pp. 74-75]. After Mr. Telerico's visit to her home, Ms. Tieppo agreed to deliver Mr. Telerico's files to him by November 8, 2021, but did not do so [Tr. 11/09/23, p.79.] [Misconduct Report 2/9/24, p 5.]

Respondent's defense to this allegation was that she became afraid of Mr. Telerico after he came to her home, unsolicited, to obtain his file. Respondent's purported belief that Mr. Telerico was behaving in an inappropriate or threatening manner belie her failure to do the one thing he was requesting, and that was to return his client file. As the record establishes, Mr. Telerico was actively attempting to retrieve his file from respondent for over a year. On multiple occasions, respondent told him that she would give him his file but did not do so. Mr. Telerico's decision to go to respondent's house to retrieve his file reflected his exasperation with respondent's broken promises to return his file.

Respondent further argues that State Wide Electrical Services was in a Chapter 7 bankruptcy proceeding during the entire period that Mr. Telerico requested his client file, and thus, it was the bankruptcy trustee that essentially "owned" the records that Mr. Telerico was requesting. Therefore, respondent argues that she could not return the records to Mr. Telerico. Respondent cites no authority for that proposition, however. Further, the panel did consider the impact of State Wide Electrical's bankruptcy, and ordered briefs from the parties on the issue. The panel found that the bankruptcy was simply irrelevant to the charges against respondent, holding:

> Respondent's request to reconsider the findings of misconduct has been considered and is denied. State Wide's status in seeking bankruptcy protection did not change Respondent's ethical responsibilities as its attorney or former attorney with respect to the return of files

> she acquired during the course of representation. [Sanction Report, 8/28/24, p 4.]

The panel's findings that respondent violated MRPC 1.16(d) and MCR 9.104(3), due to her repeated failure to return Mr. Telerico's file are affirmed.

Respondent also challenges the 30-day suspension with conditions imposed by the panel. In reviewing a claim that a panel has imposed the wrong sanction, we "examine the factors affecting the assessment of the appropriate level of discipline in light of the American Bar Association Standards for Imposing Lawyer Sanctions (ABA Standards) and applicable Michigan precedents and attempt to ensure continuity and proportionality in discipline." *Grievance Administrator v Paul A. Carthew,* 10-74-AI; 10-81-JC (ADB 2011). However, the Board does afford a certain level of deference to a hearing panel's subjective judgment on the level of discipline. *Grievance Administrator v Gregory J. Reed,* 10-140-GA (ADB 2014). Traditionally, the Board will not disturb a panel's determination as to the appropriate level of discipline unless it is clearly contrary to fairly uniform precedent for very similar conduct or is clearly outside the range of sanctions imposed for the type of violation at issue. *Grievance Administrator v Jeffrey R. Sharp*, 19-80-GA (ADB 2020); *Grievance Administrator v Christopher S. Easthope*, 17-136-GA (ADB 2021).

The panel ordered that respondent be suspended for a period of 30 days, with conditions that, within 90 days of the effective date of the order of suspension, respondent must: 1) undergo an assessment by the State Bar of Michigan Practice Management Resource Center and schedule additional appointments, if necessary; 2) complete at least one continuing education course focused on professionalism and/or civility; and, 3) schedule an assessment with the Lawyers and Judges Assistance Program, within 90 days of the effective date of the order of suspension, and, if necessary, develop a plan with LJAP to address any ongoing concerns and needs, including mental and physical health and family and financial stressors.

In her brief, respondent argues that her actions do not "constitute a reasonable or valid basis for a 30-day suspension from the practice of law in Michigan." Again, we disagree. A review of the panel's sanction report reflects considerable deliberation of respondent's conduct under three ABA Standards. Regarding respondent's lack of diligence, the panel stated:

> The Panel finds that Standard 4.42 and Standard 6.22 of the ABA Standards for Imposing Lawyer Sanctions are applicable to the violation pertaining to Respondent's failure to appear at the June 15, 2018 hearing, or otherwise assure that her client had appropriate representation, or that her client's rights would be protected at the hearing. Standard 4.42, pertaining to Lack of Diligence, states that "suspension is generally appropriate when a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client." Standard 6.22 states that "suspension is generally appropriate when a lawyer knows that he or she is violating a court order or rule and causes injury or potential injury to a client or a party, or causes interference or potential interference with a legal proceeding."
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> In this case, Respondent knew, or should have known, that her failure to appear at the June 15, 2018 hearing could cause harm to her client. Indeed, her failure resulted in costs and fees of $7,000 and a bond of $10,000, for which her client was responsible, as well as issuance of a bench warrant for the arrest of Mr. Telerico. Although Respondent argues that she had obtained a commitment from Attorney Weiler to cover the hearing for her, there is

> no evidence that she did so, and Attorney Weiler testified under oath that he did not agree to cover the hearing. Further, Respondent, an attorney practicing for 20 years, knew or should have known that she should have confirmed any agreement with Attorney Weiler and informed the court of her inability to appear and Attorney Weiler's substitution. Thus, her actions regarding not taking appropriate measures when she knew she would not appear at the hearing, were done knowingly, rather than negligently. [Sanction Report 8/28/24, pp 5-6.]

Regarding respondent's failure to return her client file in Count Two, the panel found:

> ABA Standard 7.2 is most applicable to the violation of MRPC 1.16(d), Respondent's failure to return records and papers of a client or former client. Standard 7.2 states that "suspension is generally appropriate where a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system." Respondent admitted that she had a duty to return the files at issue to Mr. Telerico. However, for approximately three years she failed to do so, until after Mr. Telerico filed a grievance against her with the Attorney Grievance Commission. [Sanction Report 8/28/24, p 6.]

As to their view of respondent's conduct, and the necessity of a suspension, and the conditions, the panel explained:

> A primary purpose of disciplinary action is to protect the public from future acts of misconduct by a Respondent and to deter similar acts or omissions by others. Due to Respondent's misconduct in the instant case, her conduct throughout this disciplinary process, and the aggravating factors discussed, a reprimand is not deemed to be sufficient discipline in this case, despite the

> fact that there was no evidence presented of deceptive conduct.
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> In this matter, as reflected by the history documented in hearing transcripts, orders, and exhibits, Respondent's conduct included failure to timely file proper documents, and numerous requests for adjournment of scheduled hearings, despite having knowledge of the hearings and participating in their scheduling. She even failed to appear for a prior sanction hearing, instead filing a motion to adjourn shortly before the hearing, asserting in part that she had conflicts which were created after the hearing had been scheduled. Respondent was also late to the virtual misconduct hearing held on Zoom, and then appeared by phone with no camera (claiming technical difficulties), after failing to properly file her exhibits, and also after filing another motion for adjournment shortly before the scheduled hearing, asserting in part that she did not have time to adequately prepare. It was only after being given various options by the panel to access a camera that she managed to do so.
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> The Panel believes that, in this case, the best way to deter conduct and attempt to assure protection of the public in the future is to suspend Respondent for a short period of time and provide conditions that, hopefully, will help her become more diligent in her future practice. [Sanction Report 8/28/24, p 8.]

The panel's analysis of the appropriate discipline in this case was searching and thorough. We agree with the panel that a suspension is necessary, and also agree that the conditions imposed are relevant to the misconduct in this case and necessary to protect the public. The discipline imposed by the hearing panel is not inappropriate. We therefore affirm the 30-day suspension with conditions ordered by the panel.[5]

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[5] We are, however, somewhat puzzled by the Grievance Administrator's decision not to seek

IV. Conclusion

The record here overwhelmingly supports all of the hearing panel's findings of misconduct, with the exception of the finding that respondent violated MRPC 1.1(c) in Count One, which we vacate. Further, the panel's order of a 30-day suspension with conditions is appropriate in consideration of the specific facts and circumstances of this case, and is affirmed.

Board Members Alan Gershel, Peter A. Smit, Rev. Dr. Louis J. Prues, Linda M. Orlans, Jason Turkish, Katie M. Stanley, Tish Vincent, and Kamilia Landrum concur in this decision.

Board Member Andreas Sidiropoulos, MD was absent and did not participate in this decision.

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review of the sanction imposed in this matter considering counsel's insistence that a 180-day suspension with a condition requiring respondent to participate in LJAP was warranted at the sanction hearing. (Tr 4/26/24, pp 70-71.) As the Grievance Administrator is aware, a request for a 180-day suspension is significant, as it indicates the belief that a respondent cannot safely be recommended to the public without having to undergo reinstatement proceedings under MCR 9.123(B) and 9.124. For the Grievance Administrator to argue at hearing that a 180-day suspension is necessary to protect the public, but then not to appeal a sanction far under that initial request, leaves the Board without clear direction as to the Grievance Administrator's position. As to this 180-day threshold suspension level, the Board would value consistency in the Grievance Administrator's position.