

BEFORE THE BOARD OF COMMISSIONERS
ON
GRIEVANCES AND DISCIPLINE
OF
THE SUPREME COURT OF OHIO

10-1805

In Re:	:	
Complaint against	:	Case No. 09-068
Richard Vincent Hoppel	:	Findings of Fact,
Attorney Reg. No. 0063000	:	Conclusions of Law and
	:	Recommendation of the
Respondent	:	Board of Commissioners on
	:	Grievances and Discipline of
Disciplinary Counsel	:	the Supreme Court of Ohio
	:	
Relator	:	
	:	

This matter was heard on May 18, 2010, in Columbus, Ohio before panel members John Polito of Cuyahoga County, Walter Reynolds of Montgomery County, and Charles E. Coulson, Chair, of Lake County, Ohio. None of the panel members resides in the district from which the complaint originated or served on the probable cause panel that considered this matter.

Representing the Relator, Disciplinary Counsel, was Heather L. Hissom, Assistant Disciplinary Counsel and representing Respondent was Harry J. DePietro.

BACKGROUND

Respondent, Richard Vincent Hoppel, was admitted to the practice of law in the State of Ohio on May 16, 1994. Respondent's practice of law was concentrated in the area of bankruptcy. Respondent became addicted to cocaine in 2007, and thereafter began neglecting his practice and his clients.

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CLERK OF COURT SUPREME COURT OF OHIO

On August 17, 2009, Disciplinary Counsel filed a fifteen count Complaint against Respondent charging Respondent with misconduct and multiple violations of the Rules of Professional Conduct.

At the beginning of the hearing Disciplinary Counsel dismissed the allegation that Respondent violated Prof. Cond. Rule 1.4 (a)(1) [a lawyer shall promptly inform the client of any decision or circumstance with respect to which the client informed consent is required by the Rules] found in Count VIII, and Prof. Cond. Rule 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation] found in Count X.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Relator, Disciplinary Counsel, and Respondent, Richard Vincent Hoppel, filed agreed stipulations; a copy of the agreed stipulations is attached hereto and incorporated herein. The attached stipulations are very specific so there is no need to repeat the facts here.

Respondent stipulated to all of the relevant facts in the complaint. Respondent also stipulated to most of the violations of misconduct contained in the complaint. In addition to the stipulations of facts, the parties stipulated to 52 exhibits. Respondent testified before the Panel and submitted additional exhibits.

Based upon the Agreed Stipulations, the exhibits, and the testimony of Respondent, the hearing panel unanimously found by clear and convincing evidence that Respondent's conduct violated all of the remaining Rules of Professional Conduct alleged in the Complaint, specifically:

COUNT I: Respondent's actions constitute violations of Prof. Cond. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. R. 8.4(d)

[conduct that is prejudicial to the administration of justice]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT II: Respondent's actions constitute violations of Prof. Cond. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. R. 1.5 [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT III: Respondent's actions constitute violations of Prof. Cond. R. 1.5 [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee]; Prof. Cond. R. 3.3(a)(1) [a lawyer shall not knowingly make a false statement of fact or law to a tribunal]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; Prof. Cond. R. 8.4(d) [conduct that is prejudicial to the administration of justice]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT IV: Respondent's actions constitute violations of Prof. Cond. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. R. 1.4(a)(3) [a lawyer shall keep the client reasonably informed about the status of the matter]; Prof. Cond. R. 1.5 [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT V: Respondent's actions constitute violations of Prof. Cond. R. 1.1 [a lawyer shall provide competent representation to a client]; Prof. Cond. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. R. 1.4(a)(2) [a lawyer shall reasonably consult with the client about the means by which the client's objectives are to be

accomplished]; Prof. Cond. R. 1.4(a)(3) [a lawyer shall keep the client reasonably informed about the status of the matter]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law]; and Prof. Cond. R. 8.4(d) [conduct that is prejudicial to the administration of justice].

COUNT VI: Respondent's actions constitute violations of Prof. Cond. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. R. 1.4(a)(3) [a lawyer shall keep the client reasonably informed about the status of the matter]; Prof. Cond. R. 1.5 [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT VII: Respondent's actions constitute violations of Prof. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. R. 1.4(a)(3) [a lawyer shall keep the client reasonably informed about the status of the matter]; Prof. Cond. R. 1.5 [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT VIII: Respondent's actions constitute violations of Prof. Cond. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. R. 1.5 [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT IX: Respondent's actions constitute violations of Prof. Cond. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. R. 1.4(a)(3) [a lawyer shall keep the client reasonably informed about the status of the matter]; Prof. Cond. Rule 1.5 [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT X: Respondent's actions constitute violations of Prof. Cond. R. 1.1 [a lawyer shall provide competent representation to a client]; Prof. Cond. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. R. 1.4(a)(3) [a lawyer shall keep the client reasonably informed of the status of the matter]; Prof. Cond. R. 1.5 [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; Prof. Cond. R. 3.3 [a lawyer shall not make a false statement of fact or law to a tribunal]; Prof. Cond. R. 8.4(d) [conduct that is prejudicial to the administration of justice]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT XI: Respondent's actions constitute violations of Prof. Cond. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. R. 1.4(a)(3) [a lawyer shall keep the client reasonably informed about the status of the matter]; Prof. Cond. R. 1.5 [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT XII: Respondent's actions constitute violations of Prof. Cond. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. Rule 1.4(a)(1) [a lawyer shall promptly inform the client of any decision or circumstance with respect to which the client's informed consent is required by these rules]; Prof. Cond. R. 1.5 [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT XIII: Respondent's actions constitute violations of Prof. Cond. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. R. 1.4(a)(3) [a lawyer shall keep the client reasonably informed about the status of the matter]; Prof. Cond. R. 1.5 [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT XIV: Respondent's actions constitute violations of Prof. Cond. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. R. 1.4(a)(3) [a lawyer shall keep the client reasonably informed about the status of the matter]; Prof. Cond. R. 1.5 [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; Prof. Cond. Rule 8.4(d) [conduct that is prejudicial to the administration of justice]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT XV: Respondent's actions constitute violations of Prof. Cond. R. 1.1 [a lawyer shall provide competent representation to a client]; Prof. Cond. R. 1.3 [a lawyer shall act with

reasonable diligence and promptness in representing a client]; Prof. Cond. R. 1.4(a)(3) [a lawyer shall keep the client reasonably informed about the status of the matter]; Prof. Cond. R. 1.5 [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee]; Prof. Cond. R. 3.3 [a lawyer shall not make a false statement of fact or law to a tribunal]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; Prof. Cond. R. 8.4(d) [conduct that is prejudicial to the administration of justice]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

MITIGATION

The Relator and Respondent stipulated to the following mitigating factors pursuant to BCGD Proc. Sec.10(B)(2):

- (a) absence of prior disciplinary record;
- (d) full and free disclosure to disciplinary board or cooperative attitude toward proceedings;

The panel unanimously found the additional mitigating factors of:

- (g) chemical dependency or mental disability when there has been all of the following:
 - (i) A diagnosis of a chemical dependency or mental disability by a qualified health care professional or alcohol/substance abuse counselor;
 - (ii) A determination that the chemical dependency or mental disability contributed to cause the misconduct;
 - (iii) In the event of chemical dependency, a certification of successful completion of an approved treatment program or in the event of mental disability, a sustained period of successful treatment;

(iv) A prognosis from a qualified health care professional or alcohol/substance abuse counselor that the attorney will be able to return to competent ethical professional practice under specified conditions.

(h) Respondent has engaged in other interim rehabilitation.

In making the mitigation findings of (g) and (h), the panel relied heavily upon the testimony of Paul A. Caimi of the Ohio Lawyers Assistance Program (OLAP). Mr. Caimi stated that the Respondent is a crack cocaine addict in remission and that he has been sober since October 23, 2008. (Tr. 70) Respondent's sobriety has been verified through random drug and alcohol testing. The Respondent successfully completed a treatment program at the Keating Center and has completed out-patient, aftercare, and family services successfully. The Respondent has fully complied with his OLAP lawyer's support system recovery contract. Caimi stated that it is his impression that Respondent is sincere about sobriety. Caimi testified that he believed all of the allegations of misconduct occurred before Respondent's sobriety date, and Caimi believed that all occurred during his use of cocaine. Caimi testified that in his opinion the addiction to cocaine contributed to Respondent's violations of the Rules of Professional Conduct. Caimi testified that he is optimistic about Respondent's continuing to remain sober and do well and that he "certainly would be competent to be a lawyer" as long as he stayed sober. (Tr. 73)

AGGRAVATION

The panel finds, pursuant to BCGD Proc. Reg. 10(B)(1), that the following matters in aggravation are present:

- (b) dishonest or selfish motive;
- (c) pattern of misconduct;

- (d) multiple offenses;
- (h) vulnerability of and resulting harm to victims of the misconduct;
- (i) failure to make restitution.

RECOMMENDATION

Respondent and Relator, although being able to stipulate to practically everything in the case, were unable to reach a stipulated sanction. Relator recommends that Respondent receive an indefinite suspension. Respondent did not make a specific recommendation but suggested that the Respondent receive “some kind of supervision, an extension of his OLAP contract, maybe both would be appropriate, and that’s what we would like to ask this Panel recommend.”

PANEL RECOMMENDATION

Respondent’s conduct in this case involved multiple counts of accepting retainers and court cost deposits, totaling over \$14,000 that he converted to his own use, repeatedly failing to perform work on his client’s behalf, failing to appear at court hearings, failing to respond to clients’ attempt to contact him, collecting excessive and unreasonable fees, and engaging in dishonesty, deceit, and misrepresentation.

To support the request for indefinite suspension, Disciplinary Counsel cites the following cases where the respondent engaged in similar conduct: *Columbus Bar Assn. v. Chasser*, 124 Ohio St.3d 578, 2010-Ohio-956 (indefinite suspension); *Cleveland Metro. Bar Assn. v. Gottehrer*, 124 Ohio St.3d 519, 2010-Ohio-929 (indefinite suspension); and *Cincinnati Bar Assn. v. Deaton*, 102 Ohio St.3d 19, 2004-Ohio-1587 (disbarment); and *Columbus Bar Assn. v. Kiesling*, 125 Ohio St.3d 36, 2010-Ohio-1555 (disbarment). The cases cited by Disciplinary Counsel are distinguishable as the respondents in those cases failed to cooperate and no mitigating factor of drug dependency was found.

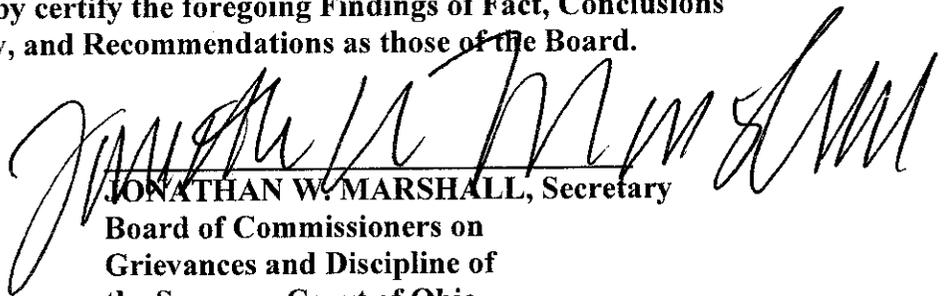
Respondent Hoppel is currently without the financial ability to make restitution. Claims have been made to the Client Security Fund but, according to Disciplinary Counsel, the Client Security Fund will not pay out to the injured clients until the entire disciplinary case is completed after the Supreme Court issues its final order.

The panel agrees with Disciplinary Counsel and recommends that Respondent be indefinitely suspended from the practice of law in Ohio.

BOARD RECOMMENDATION

Pursuant to Gov. Bar Rule V(6)(L), the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio considered this matter on October 7, 2010. The Board adopted the Findings of Fact, Conclusions of Law and Recommendation of the Panel and recommends that Respondent, Richard Vincent Hoppel, be indefinitely suspended together with an order of restitution. The Board further recommends that the cost of these proceedings be taxed to Respondent in any disciplinary order entered, so that execution may issue.

Pursuant to the order of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio, I hereby certify the foregoing Findings of Fact, Conclusions of Law, and Recommendations as those of the Board.


JONATHAN W. MARSHALL, Secretary
Board of Commissioners on
Grievances and Discipline of
the Supreme Court of Ohio

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BEFORE THE BOARD OF COMMISSIONERS
ON GRIEVANCES AND DISCIPLINE
OF THE SUPREME COURT OF OHIO

BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

RICHARD VINCENT HOPPEL, ESQ.
7 West Liberty Street
Girard, OH 44420

Attorney Registration No. (0063000)

AGREED
STIPULATIONS
BOARD NO. 09-068

DISCIPLINARY COUNSEL
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411

AGREED STIPULATIONS

Relator, Disciplinary Counsel, and Respondent, Richard Vincent Hoppel, do hereby stipulate to the admission of the following facts and exhibits.

STIPULATED FACTS

1. Respondent, Richard Vincent Hoppel, was admitted to the practice of law in the State of Ohio on May 16, 1994. Respondent is subject to the Code of Professional Responsibility and the Rules for the Government of the Bar of Ohio.
2. Respondent was a partner in the law firm of Hoppel & Yajko Co. LPA until he left that firm in 2008 to become a sole practitioner with a practice concentration on bankruptcy. He also served as a part-time public defender.
3. Respondent began his practice as a partner in the Law Office of Frank & Hoppel from 1994 through approximately 2005. During this time Frank & Hoppel became Frank & Hoppel Co., LPA. After 2005 the firm became Frank, Hoppel & Yajko Co., LPA. In 2007 the firm became Hoppel & Yajko Co., LPA. Respondent became a sole practitioner in February, 2008.
4. Respondent became addicted to cocaine in 2007.

Count I

5. In 2007, Respondent began appearing late or failing to appear for hearings in the Columbiana County Court of Common Pleas.
6. Judge Tobin of the Columbiana County Court of Common Pleas cited Respondent for contempt in June 2008 after he missed two hearings in Judge Tobin's courtroom on April 2, 2008 and June 13, 2008.
7. Respondent also missed a domestic relations hearing before Magistrate Colleen Hall Dailey.
8. On June 27, 2008, Judge Tobin found Respondent in contempt and ordered Respondent pay a fine and court costs. Judge Tobin suspended the fine and court costs on the condition of Respondent's continued good behavior. The contempt charges were then later dismissed.
9. Respondent missed two subsequent hearings on October 16, 2008 in Judge Tobin's Court.
10. On October 17, 2008, a show cause order was issued requiring Respondent's appearance before Judge Tobin and on October 23, 2008, Respondent appeared and was found in contempt.
11. On October 23, 2008, Judge Tobin found that Respondent had intent to defy the court's orders and had a blatant disregard for the authority of the court. Respondent was sentenced to two separate sixty day jail sentences to run consecutively and ordered to pay court costs.
12. Respondent served 13 days of the sentence before Judge Tobin suspended the remainder of the sentence on condition that Respondent report immediately to inpatient drug rehabilitation at the Keating Center in Lakewood, Ohio. Respondent reported to the Keating Center on November 7, 2008 where he remained until approximately February 8, 2009.
13. On June 13, 2008, Judge Pike of the Columbiana County Court of Common Pleas, cited Respondent for contempt after he missed a hearing in Judge Pike's courtroom. A December 15, 2008 hearing was scheduled on the contempt filed by Judge Pike. The matter was heard in July 2009 by Judge Tobin.
14. On February 22, 2010 Orders were issued by Judge David Tobin in both contempt cases (Columbiana County Court of Common Pleas case nos. 2008 MJ 112 and 2008 MJ 71) finding that Respondent had purged himself of the contempt in each case and that the cases would be dismissed upon payment of fines and costs.

15. Respondent's actions constitute violations of Prof. Cond. Rule 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. Rule 8.4(d) [A lawyer shall not engage in conduct that is prejudicial to the administration of justice]; and Prof. Cond. Rule 8.4(h) [A lawyer shall not engage in any other conduct that adversely reflects on the lawyer's fitness to practice law].

Count II

16. On March 29, 2007, Gloria Hawkey hired Respondent to file a Chapter 7 bankruptcy on her behalf. Hawkey paid Respondent's former law firm \$1,200.00 in attorney fees and filing fees.
17. Hawkey was part owner in a home that was in foreclosure. Hawkey intended to discharge her share of the home in bankruptcy.
18. Respondent never filed for bankruptcy on behalf of Hawkey.
19. Respondent has not refunded any of the fees paid to him by Hawkey.
20. Respondent's actions constitute violations of Prof. Cond. Rule 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client];

Count III

21. In or about May 2008, Anthony Romano hired Respondent to file a Chapter 13 bankruptcy on his behalf. Romano paid Respondent \$1,474.00 in attorney fees and filing fees.
22. On October 10, 2008, Respondent filed bankruptcy on behalf of Romano.
23. At the same time, Respondent filed a motion to pay the filing fee in installments. The motion proposed to pay the filing fee in four installments and contained the electronic signature of Romano.
24. At the time Respondent filed that motion, he had already spent the attorney fee and filing fee paid to him by Romano.
25. Romano terminated the services of Respondent on or about November 12, 2008. Romano could not reach Respondent because he remained in jail on the contempt of court finding since October 23, 2008.
26. Respondent's actions constitute violations of Prof. Cond. Rule 3.3(a)(1) [A lawyer shall not knowingly make a false statement of fact or law to a tribunal]; Prof. Cond. Rule

8.4(c) [A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation]; and Prof. Cond. Rule 8.4(d) [A lawyer shall not engage in conduct that is prejudicial to the administration of justice].

Count IV

27. David Fusco hired Respondent in October 2007 to file a Chapter 13 bankruptcy in an effort to save Fusco's home from foreclosure. Fusco paid Respondent's former law firm \$650.00 which included attorney fees and filing fees.
28. In February 2008, Respondent left the law firm he was working at to practice law out of his home.
29. Respondent failed to notify Fusco that he was leaving the firm. Respondent did not provide Fusco with a new telephone number or means to contact him other than the telephone number listed in the East Liverpool, Ohio white pages for his personal residence.
30. In or about March 2008, Fusco wrote to Respondent at his home address at which time Respondent contacted the Fuscos.
31. Respondent repeatedly told Fusco that he needed more time to file the bankruptcy petition.
32. Respondent could not file Fusco's bankruptcy petition at a later date because he had spent the filing fee.
33. Fusco received a notice of sheriff's sale for his home on October 9, 2008.
34. Respondent never filed for bankruptcy on behalf of Fusco.
35. Respondent has not returned the filing fee paid by Fusco.
36. Respondent's actions constitute violations of Prof. Cond. Rule 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. Rule 1.4(a)(3) [A lawyer shall keep the client reasonably informed about the status of the matter];

Count V

37. In October 2007, Cynthia Robb hired Respondent to file a Chapter 7 bankruptcy on her behalf. Robb paid Respondent \$1,275.00 in cash for both attorney fees and filing fees on November 8, 2007.

38. Between March and July 2008, Respondent was very hard to reach and his voicemail was often full. Robb left several messages some of which went unreturned.
39. On March 13, 2008 Respondent filed a bankruptcy petition on behalf of Robb.
40. Robb was receiving treatment for cancer and was scheduled to undergo a stem cell transplant at the Cleveland Clinic. Respondent was aware of Robb's medical condition.
41. On April 23, 2008, Beneficial, the mortgage holder for Robb's house, filed a motion for relief from stay to permit it to file for foreclosure in state court.
42. Robb called Respondent about the motion for relief from stay but could not reach him.
43. Respondent did not file a response to the motion for relief from stay and Beneficial's motion was granted on May 27, 2008.
44. Robb called Respondent when she found out that the motion for relief from stay had been granted. Respondent told Robb not to worry about it and that it would be "taken care of at the hearing".
45. The first §341 meeting of creditors was scheduled for May 13, 2008. Robb was unable to attend because she was in the Cleveland Clinic for a stem cell transplant. Respondent did not attend the meeting and it was rescheduled.
46. A second §341 meeting of creditors was scheduled for May 27, 2008. Robb was still in the Cleveland Clinic and unable to attend.
47. A third § 341 meeting of creditors was scheduled for June 24, 2008. Robb was again unable to attend due to her medical condition.
48. The show cause hearing was held July 22, 2008, as was a fourth § 341 meeting of creditors. Robb was again in the Cleveland Clinic. The trustee recommended dismissal of Robb's bankruptcy petition.
49. Robb's bankruptcy was dismissed on July 31, 2008 for her failure to appear at the §341 hearing, or provide testimony by interrogatories.
50. Robb found a new attorney who was able to have her bankruptcy case reinstated.
51. Respondent has not refunded any of the fees paid to him by Robb.

Count VI

52. On March 17, 2008, Nadene Dorsey hired Respondent to file bankruptcy on her behalf. Dorsey paid Respondent \$1,275.00 in both attorney fees and filing fees.
53. In May 2008, Dorsey called Respondent and fired him. Dorsey requested the return of the fees that she had paid to Respondent.
54. Respondent told Dorsey that he had spent the money and did not have it to return.
55. Dorsey told Respondent to file the bankruptcy petition if he could not return her money.
56. Respondent never filed for bankruptcy on behalf of Dorsey.
57. Respondent has not returned the fee paid by Dorsey.

Count VII

58. In July 2007, Tammy Bauer hired Respondent to file a Chapter 7 bankruptcy on behalf of her mother, Betty Calkins. Bauer paid Respondent \$1100.00 in attorney fees and filing fees that same month.
59. In May 2008, Respondent told Bauer that he had spent the filing fee. Bauer gave Respondent another \$300 for filing fees.
60. Respondent spent the second \$300.00 filing fee.
61. Respondent never filed bankruptcy on behalf of Betty Calkins.
62. Respondent has not returned the fee paid to him by Bauer.

Count VIII

63. In March 2008, Marsha Watson hired Respondent to file bankruptcy on her behalf. Watson paid Respondent \$1175 in attorney fees and filing fees.
64. Respondent never filed bankruptcy for Watson.
65. Respondent never refunded the fees paid to him by Watson.
66. Respondent agrees that he owes the fees and filing fees to Ms. Watson.
67. Respondent's actions constitute violations of Prof. Cond. Rule 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client]; and Prof. Cond. Rule 8.4(c)

[A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation].

Count IX

68. Derek Carter hired Respondent to file bankruptcy for him on June 28, 2008. Carter paid Respondent \$1,225.00 in attorney fees and filing fees between June and August 2008.
69. Respondent prepared a bankruptcy petition on behalf of Carter but was unable to file it because he spent the filing fee.
70. Respondent never initiated contact with Carter after August 2008 although Carter did come to Respondent's office on several occasions and had consultation and discussions with Respondent after August 2008.
71. Respondent never refunded the fees paid to him by Carter.
72. Respondent's actions constitute violations of Prof. Cond. Rule 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client]; and Prof. Cond. Rule 8.4(c) [A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation].

Count X

73. David Miller hired Respondent to file Chapter 13 bankruptcy on his behalf and paid \$2500.00 in attorney fees and filing fees. Miller's bankruptcy was complicated by several rental properties and a business in which he incurred personal debt.
74. On February 26, 2008, Respondent filed Chapter 13 bankruptcy on behalf of Miller.
75. At the same time, Respondent filed a motion to pay the filing fee in installments proposing to pay the fee in four installments. The motion contained the electronic signature of Miller. The motion was granted on March 6, 2008.
76. At the time Respondent filed the motion, he had already spent the filing fee paid to him by Miller.
77. Respondent filed Miller's bankruptcy petition as an emergency filing without the required schedules as Miller's real property was going to Sheriff's sale the next day.
78. On March 27, 2008, the court issued an order to show cause why the schedules had not been filed. Respondent attended the hearing and was given until March 28, 2008 to file the schedules and declaration page.

79. On March 28, 2008, Respondent filed schedules A-J but did not file the declaration page.
80. On March 28, 2008, Respondent also paid the first installment of filing fees.
81. On May 7, 2008, an order to show cause was issued for Respondent's failure to pay the second installment of the filing fee.
82. On May 14, 2008 the court dismissed Miller's bankruptcy for failure to file the declarations page.
83. Miller had to hire another attorney to refile his bankruptcy petition.
84. Respondent has not refunded any of the money paid to him by Miller.
85. Respondent's actions constitute violations of Prof. Cond. Rule 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. Rule 1.4(a)(3) [A lawyer shall keep the client reasonably informed of the status of the matter]; Prof. Cond. Rule 8.4(c) [A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation]; Prof. Cond. Rule 3.3 [A lawyer shall not make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer]; Prof. Cond. Rule 8.4(c) [A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation]; Prof. Cond. Rule 8.4(d) [A lawyer shall not engage in conduct that is prejudicial to the administration of justice]; and Prof. Cond. Rule 8.4(h) [A lawyer shall not engage in any other conduct that adversely reflects on the lawyer's fitness to practice law].

Count X

86. On March 19, 2008, Brian Grimm hired Respondent to file bankruptcy on his behalf. Grimm paid Respondent \$1200.00 for attorney fees and filing fees.
87. After their initial meeting, Respondent was not responsive to Grimm's voice mail messages and in July 2008 Respondent's telephone number was disconnected but was soon afterwards reconnected.
88. Respondent did not file bankruptcy on behalf of Grimm.
89. Respondent has not refunded any of the fees paid to him by Grimm.

Respondent's actions constitute violations of Prof. Cond. Rule 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. Rule 1.4(a)(3) [A lawyer shall keep the client reasonably informed about the status of the matter]

Count XII

90. Respondent properly filed a Chapter 13 bankruptcy on behalf of Donald Cusick on October 12, 2005.
91. On January 17, 2007, the trustee filed a Motion to Dismiss the bankruptcy because Cusick was in default on his repayment plan payments.
92. On February 16, 2007, an Agreed Order was filed by the trustee. Respondent, on behalf of Cusick, negotiated a new repayment plan to cure the delinquency of payments.
93. On September 5, 2007, the trustee filed an affidavit recommending dismissal of Cusick's bankruptcy without hearing because Cusick failed to make the payments in accordance with the Agreed Order.
94. Cusick's bankruptcy was dismissed on September 6, 2007.
95. In October 2007, Cusick called Respondent and stated he could no longer afford the repayment plan under Chapter 13.
96. Respondent agreed to convert the Chapter 13 to a Chapter 7 bankruptcy. Respondent advised Cusick that as his Chapter had been dismissed, his Chapter 13 case would have to be re-instated by Motion prior to conversion of the case to a Chapter 7 case.
97. On October 31, 2007, Cusick paid Respondent \$665.00 to file the motion to convert the bankruptcy.
98. Respondent did not file the Motion to Reinstate the Chapter 13 case or convert the case to Chapter 7.
99. Respondent has not refunded any of the fees paid to him by Cusick.
100. Respondent's actions constitute violations of Prof. Cond. Rule 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client];

Count XIII

101. In November 2007, Richard McCauley hired Respondent to file Chapter 7 bankruptcy on

his behalf. McCauley paid Respondent \$1200.00 in attorney fees and filing fees between November, 2007 and February 4, 2008.

102. After February 2008, McCauley had a difficult time contacting Respondent., Respondent rarely returned telephone messages and his voicemail was often full.
103. Respondent did not file bankruptcy on behalf of McCauley.
104. Respondent has not refunded any of the fees paid to him by McCauley.
105. Respondent's actions constitute violations of Prof. Cond. Rule 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client];

Count XIV

106. Dale and Betty Blazer were clients of Respondent who had been in a Chapter 13 repayment plan since January 10, 2005.
107. In June 2008, the Blazers contacted Respondent and stated that they could no longer afford the Chapter 13 repayment plan payments.
108. Respondent agreed to dismiss the Chapter 13 and file a Chapter 7 bankruptcy in an attempt to discharge some of the debt. The Blazers main goal was to save their home.
109. Over a period of time beginning June 17, 2008, the Blazers paid Respondent \$1324.00 in attorney fees and filing fees to dismiss the Chapter 13 and to file a Chapter 7 bankruptcy.
110. On July 17, 2008, Tammae Corporation, the mortgage holder for the Blazers' home, filed a motion for relief from stay so that it could pursue foreclosure proceedings in state court.
111. Respondent did not file a response to this motion as Respondent and Blazers agreed that they would allow the foreclosure case to go forward and refile a Chapter 7 on the eve of Sheriff's sale to allow the Blazers the opportunity to save up money to redeem their home.
112. Tammae Corporation's motion for relief from stay was granted on August 27, 2008. Respondent did not file a response to this motion as Respondent and the Blazers Agreed to dismiss the Chapter 13 and refile a Chapter 7 to allow the Blazers more time to save money to redeem their home.
113. Respondent never dismissed the Chapter 13 bankruptcy nor did he file a Chapter 7 bankruptcy on behalf of the Blazers.
114. On January 9, 2009, the Blazers dismissed their Chapter 13 bankruptcy pro se.

115. Respondent has not returned any of the fees paid to him by the Blazers.
116. Respondent's actions constitute violations of Prof. Cond. Rule 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. Rule 1.4(a)(3) [A lawyer shall keep the client reasonably informed about the status of the matter]

Count XV

117. On October 17, 2008, Respondent filed a Chapter 7 bankruptcy on behalf of Douglas and Rebecca Reckner.
118. On October 21, 2008, Respondent filed a motion to waive the filing fee in its entirety. The court denied the motion on the same date because the Reckners were above the income limit for a waiver of the filing fee.
119. The Reckners had already paid Respondent the filing fee.
120. On October 27, 2008, the court issued an order to show cause to Respondent and the Reckners regarding their failure to pay the filing fee.
121. A hearing was held on November 13, 2008 at which the Reckners appeared. Respondent did not appear as he was in inpatient treatment at the Ed Keating Center for treatment of his addiction to cocaine. The Reckners were able to provide the court with a receipt from Respondent for the filing fee.
122. The court ordered Respondent to disgorge the entire fee paid to him by the Reckners, including the filing fee. The Reckners were also ordered to pay the full filing fee to the court.
123. The court suspended Respondent's electronic filing (ECF) privileges until he could prove that he had disgorged the fee.
124. Respondent has not disgorged the fee paid to him by the Reckners.
125. Respondent's actions constitute violations of Prof. Cond. Rule Prof. Cond. Rule 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. Rule 3.3 [A lawyer shall not make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer]; Prof. Cond. Rule 8.4(c) [A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation]; and Prof. Cond. Rule 8.4(d) [A lawyer shall not engage in conduct that is prejudicial to the administration of justice].

STIPULATED EXHIBITS

1. Judgment Entry, June 27, 2008, Columbiana County Court of Common Pleas, case no. 08-MJ-71.
2. Order to Show Cause, October 17, 2008, Columbiana County Court of Common Pleas, case no. 08-MJ-71.
3. Judgment Entry, October 23, 2008, Columbiana County Court of Common Pleas, case no. 08-MJ-71.
4. Judgment Entry, November 5, 2008, Columbiana County Court of Common Pleas, case no. 08-MJ-71.
5. Receipt to Gloria Hawkey, payment of attorney fee and filing fee.
6. Anthony Romano, Docket case no. 08-42880, US Bankruptcy Court, Northern District of Ohio.
7. Application to Pay Filing Fee in Installments, October 10, 2008, Anthony Romano, case no. 08-42880.
8. Receipt to Cynthia Robb, payment of attorney fee and filing fee.
9. Docket, Cynthia Robb, case no. 08-40645, US Bankruptcy Court, Northern District of Ohio.
10. Minutes of Meeting of Creditors, May 13, 2008, Cynthia Robb, case no. 08-40645.
11. Minutes of Meeting of Creditors, May 27, 2008, Cynthia Robb, case no. 08-40645.
12. Minutes of Meeting of Creditors, June 24, 2008, Cynthia Robb, case no. 08-40645.
13. Minutes of Meeting of Creditors, July 22, 2008, Cynthia Robb, case no. 08-40645.
14. Order of Dismissal, Cynthia Robb, case no. 08-40645.
15. Report of Trustee on Dismissed Case, Cynthia Robb, case no. 08-40645.
16. Receipt to Nadene Dorsey, payment of attorney fees and filing fee.
17. Bankruptcy Engagement Letter, Nadene Dorsey, signed March 17, 2008.
18. Tammy Bauer, cancelled checks for attorney fee and filing fee.
19. Receipts to Martha Watson payment of attorney fee and filing fee.
20. Receipts to Derek Carter, payment of attorney fee and filing fee.

21. Docket, David Miller, case no. 08-40465, US Bankruptcy Court, Northern District of Ohio.
22. Application to Pay Filing Fee in Installments, February 26, 2008, David Miller, case no. 08-40465.
23. Order to Show Cause, March 13, 2008, David Miller, case no. 08-40465.
24. Schedules A-J, David Miller, case no. 08-40465.
25. Minutes of Meeting of Creditors, April 23, 2008, David Miller, case no. 08-40465.
26. Minutes of Meeting of Creditors, May 7, 2008, David Miller, case no. 08-40465.
27. Order to Show Cause, May 7, 2008, David Miller, case no. 08-40465.
28. Order to Show Cause, May 7, 2008, David Miller, case no. 08-40465.
29. Order of Dismissal, May 14, 2008, David Miller, case no. 08-40465.
30. Donald Cusick, cancelled checks for attorney fee and filing fee.
31. Docket, Donald Cusick, case no. 05-48055, US Bankruptcy Court, Northern District of Ohio.
32. Motion to Dismiss, January 17, 2007, Donald Cusick, case no. 05-48055.
33. Agreed Order, February 16, 2007, Donald Cusick, case no. 05-48055.
34. Affidavit of Trustee, September 5, 2007, Donald Cusick, case no. 05-48055.
35. Order of Dismissal, September 6, 2007, Donald Cusick, case no. 05-48055.
36. Receipts to Rita McCauley, payment of attorney fee and filing fee.
37. Receipts to Dale and Betty Blazer, payment of attorney fee and filing fee.
38. Docket, Dale and Betty Blazer, case no. 05-40105, US Bankruptcy Court, Northern District of Ohio.
39. Motion for Relief from Automatic Stay and Abandonment, Dale and Betty Blazer, case no. 05-40105.
40. Docket, Douglas and Rebecca Reckner, case no. 08-43011, US Bankruptcy Court,

Northern District of Ohio:

41. Application for Waiver of the Chapter 7 Filing Fee, October 17, 2008, Douglas and Rebecca Reckner, case no. 08-43011.
42. Order on Debtor's Application for Waiver of the Chapter 7 Filing Fee, October 21, 2008, Douglas and Rebecca Reckner, case no. 08-43011.
43. Order to Show Cause, October 27, 2008, Douglas and Rebecca Reckner, case no. 08-43011.
44. Order, November 13, 2008, Douglas and Rebecca Reckner, case no. 08-43011.
45. Order Dismissing Case, December 10, 2008, Douglas and Rebecca Reckner, case no. 08-43011.
46. Federal Rules of Bankruptcy Procedure, Rule 1006, Filing Fee.
47. Deposition of Richard Hoppel, June 16, 2009.
48. Confirmation Letter dated October 31, 2008 from the Ed Keating Center accepting Respondent into treatment.
49. Confirmation Letter dated February 25, 2009 from the Ed Keating Center confirming Respondents completion of the ninety (90) day treatment program.
50. Judgment Entry dated February 10, 2010 from Columbiana County Court of Common Pleas (08 MJ 71) finding that the Respondent has purged himself of Contempt of Court.
51. Judgment Entry dated February 22, 2010 from Columbiana County Court of Common Pleas (08 MJ 112) finding that the Respondent has purged himself of Contempt of Court.
52. Copy of Respondent's OLAP contract.

STIPULATED MITIGATION AND AGGRAVATION

Relator and Respondent stipulate to the following mitigating factors pursuant to BCGD Proc. Reg. § 10(B)(2)

- (a) absence of a prior disciplinary record;
- (d) full and free disclosure to disciplinary board or cooperative attitude toward proceedings.

STIPULATED SANCTION

The parties are unable to reach a stipulated sanction in this matter. Instead the parties leave the determination as to appropriate sanction to the wisdom and discretion of the panel.

CONCLUSION

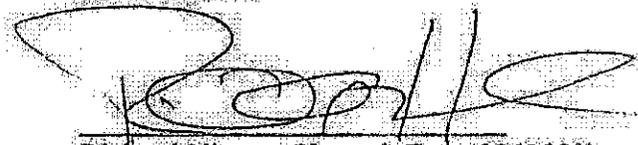
The above are stipulated to and entered into by agreement by the undersigned parties on the _____ day of May, 2010.

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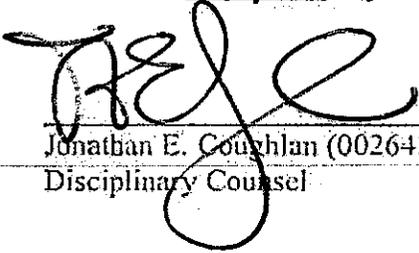
Richard Vincent Hoppel, Esq. (0063000)
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STIPULATED SANCTION

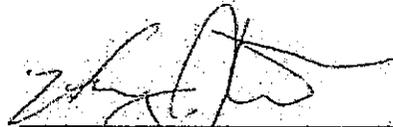
The parties are unable to reach a stipulated sanction in this matter. Instead the parties leave the determination as to appropriate sanction to the wisdom and discretion of the panel.

CONCLUSION

The above are stipulated to and entered into by agreement by the undersigned parties on the 14th day of May, 2010.



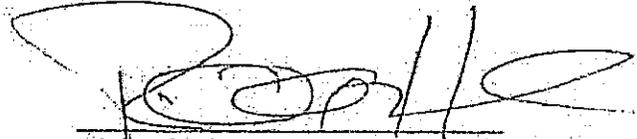
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