

THE SUPREME COURT OF OHIO

TOLEDO BAR ASSOCIATION,)
)
 Relator,)
)
 vs.)
)
)
 DAVID L. MARTIN (0039953),)
)
 Respondent.)

Case No. 2011-1401

APPLICATION OF RESPONDENT
FOR TERMINATION OF
PROBATION

FILED
JUL 01 2013
CLERK OF COURT
SUPREME COURT OF OHIO

NOW COMES RESPONDENT, David L. Martin, Pro Se, pursuant to Rules for the Government of the Bar, Rule V, Sec. 9(D), and hereby respectfully requests that this Honorable Court terminate Respondent's probation in this matter. The bases for this request are set forth herein.

In an order of this Court dated December 15, 2011, Respondent was suspended from the practice of law for one (1) year with the entire year stayed. Respondent was placed upon monitored probation for one (1) year. See Order attached hereto.

On January 11, 2012, attorney Sheldon Wittenberg was appointed as monitoring attorney. See Docket.

Ohio Rules for the Government of the Bar, Rule V, Sec. 9(D) provides:

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(D) Termination of Probation.

At the expiration of the probation period, the respondent shall apply for termination of probation. The application shall be in writing and filed with the Clerk of the Supreme Court. The application shall indicate the date probation was ordered, include an affidavit by respondent stating that the respondent has complied with the conditions of probation, indicate whether any formal disciplinary proceedings are pending against the respondent, and request termination of probation. The Supreme Court shall order the termination of probation if all costs of the proceedings as ordered by the Supreme Court have been paid, the respondent has complied with the conditions of probation, and no formal disciplinary proceedings are pending against the respondent. The Clerk of the Supreme Court shall provide notice of the termination of probation to all persons and organizations who received copies of the disciplinary order pursuant to Section 8(D)(1) of this rule.

Respondent asserts herein, and by affidavit attached hereto, as follows:

- A. To the best of my knowledge I have complied with the conditions of probation.
- B. I have received no notice that any formal disciplinary proceedings are pending against me.
- C. All costs of the proceedings as ordered by the Supreme Court to date have been paid.

WHEREFORE, based upon the foregoing, Respondent respectfully requests the termination of probation.

Respectfully submitted,



David L. Martin, Pro Se
P. O. Box 503
Sylvania, OH 43560
419-283-0468
martinatty@yahoo.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Application of Respondent for Termination of Probation was sent to:

Michael Bonfiglio, Esq.
Toledo Bar Association
311 N. Superior Street
Toledo, OH 43604

and

Office of Disciplinary Counsel
The Supreme Court of Ohio
250 Civic Center Dr., Ste 325
Columbus, OH 43215-7411

via 1st Class U.S. Mail with proper postage affixed on this 28th day of June, 2013.



David L. Martin, Respondent

DEC 15 2011

CLERK OF COURT
SUPREME COURT OF OHIO

The Supreme Court of Ohio

Case No. 2011-1401

Toledo Bar Association,
Relator,
v.
David L. Martin,
Respondent.

ON CERTIFIED REPORT BY THE
BOARD OF COMMISSIONERS ON
GRIEVANCES AND DISCIPLINE OF
THE SUPREME COURT

ORDER

The Board of Commissioners on Grievances and Discipline filed a final report in the office of the clerk of this court pursuant to BCGD Proc.Reg. 11(D), in which it accepted the agreement entered into by the relator, Toledo Bar Association, and respondent, David L. Martin. The agreement set forth the misconduct and the agreed, recommended sanction of a one-year suspension with the entire suspension stayed with probation. The board recommended that the agreement be accepted. The court, sua sponte, issued an order waiving the issuance of a show cause order and this matter was submitted to the court on the report and record filed by the board.

On consideration thereof, it is ordered and adjudged by this court that pursuant to Gov.Bar R. V(6)(B)(3) and consistent with the opinion rendered herein, respondent, David L. Martin, Attorney Registration Number 0039953, last known business address in Sylvania, Ohio, is suspended from the practice of law for a period of one year with the entire year stayed. It is further ordered that respondent shall serve a one-year monitored probation.

It is further ordered that on or before 30 days from the date of this order, relator shall file the name of an attorney who will monitor respondent during the probation. It is further ordered that at the end of the probationary period, relator file a report with this court indicating whether respondent has complied with the terms of probation including monitoring.

It is further ordered that respondent be taxed the costs of these proceedings in the amount of \$65.25, which costs shall be payable to this court by cashier's check or money order on or before 90 days from the date of this order. It is further ordered that if these costs are not paid in full on or before 90 days from the date of this order, interest at the rate of 10% per annum shall accrue as of 90 days from the date of this order and the matter may be referred to the Attorney General for collection. Respondent may be held in contempt and suspended until costs and all accrued interest, are paid in full.

It is further ordered, sua sponte, by the court, that within 90 days of the date of this order, respondent shall reimburse any amounts that have been awarded against respondent by the Clients' Security Fund pursuant to Gov.Bar R. VIII(7)(F). It is further ordered, sua sponte, by the court that if, after the date of this order, the Clients' Security Fund awards any amount against respondent pursuant to Gov.Bar R. VIII(7)(F), respondent shall reimburse that amount to the Clients' Security Fund within 90 days of the notice of such award.

It is further ordered that at the end of the probationary period respondent may apply for termination of probation. It is further ordered that respondent's probation will not be terminated until (1) respondent files an application for termination of probation in accordance with Gov.Bar R. V(9)(D); (2) relator files a report with the clerk of the Supreme Court indicating that respondent has complied with the terms and conditions of probation during the probationary period; (3) respondent complies with this order and all other orders issued by this Court; (4) respondent complies with the Rules for the Government of the Bar of Ohio; and (5) this court issues an order terminating respondent's probation.

It is further ordered that respondent shall keep the Clerk, the Toledo Bar Association, and the Disciplinary Counsel advised of any change of address where respondent may receive communications.

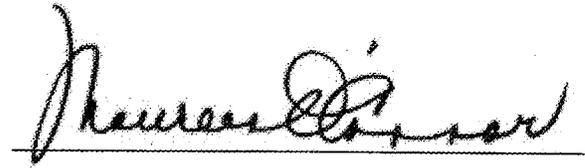
It is further ordered, sua sponte, that service shall be deemed made on respondent by sending this order, and all other orders in this case, to respondent's last known address.

It is further ordered that the clerk of this court issue certified copies of this order as provided for in Gov.Bar R. V(8)(D)(1), that publication be made as provided for in Gov.Bar R. V(8)(D)(2), and that respondent bear the costs of publication.

I HEREBY CERTIFY that this document is a true and accurate copy of the entry of the Supreme Court of Ohio filed December 15, 2011 in Supreme Court case number 2011-1461

In witness whereof I have personally subscribed my name and affixed the seal of the Supreme Court of Ohio on this 15th day of December 2011

by Mrs. K. Roche CLERK OF COURT Deputy



Maureen O'Connor
Chief Justice

5. Affiant further sayeth naught.



David L. Martin

Sworn to and subscribed in my presence this 28th day of June, 2013, at Toledo,
Lucas County, Ohio, by David L. Martin



MICHAEL D. REPASS
Attorney at Law
Notary Public - State of Ohio
My commission has no expiration date
Section 147.03 O.R.C.



Notary Public; State of Ohio

My Commission Expires: