

ORIGINAL

THE SUPREME COURT OF OHIO

In re:

LORAIN COUNTY BAR ASSOC.

CASE NO. 2015-0060

Relator,

FILED
MAY 26 2016
CLERK OF COURT
SUPREME COURT OF OHIO

:
:

JOINT MOTION TO STAY GOV. BAR
R. V §17(D) PROCEEDINGS AND
REMAND THIS MATTER TO THE
BOARD

MARK R. PROVENZA

Respondent.

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Now come the undersigned parties, by and through their respective counsel, and hereby respectfully move this Honorable Court to stay its Gov. Bar R. V §17(D) proceedings prior to entering a disciplinary order and remand this matter to the Board of Professional Conduct for further proceedings.

For cause, the parties state that on October 5, 2015 this Court received the final report of the Board recommending a one-year suspension with six months stayed on conditions for Respondent's professional misconduct in his mishandling of cases for two clients, not carrying professional liability insurance, neglecting to deposit funds into his trust account and failing to cooperate in the disciplinary process as required by the Ohio Rules of Professional Conduct.

On November 17, 2015 Respondent filed Objections to the Report and Recommendation wherein Respondent urged this Court to adopt a sanction of a six month suspension, all stayed on conditions, which had been stipulated to by the parties. On November 23, 2015 Relator filed its Reply.

On January 26, 2016 this Court heard oral argument on the merits of the case and the matter was submitted for consideration. As of the filing of this Joint Motion, this Honorable Court has not yet rendered a decision.

At oral argument, this Court raised certain concerns it had over whether Respondent may have mental health and/or substance abuse issues which could possibly affect or limit his ability to practice law. Specifically, this Court questioned whether Respondent receives counseling, has a mentor, and/or has spoken to OLAP so as to prevent his misconduct from reoccurring.

On April 7, 2016 while awaiting this Court's disciplinary order, Respondent was charged in the Lorain Municipal Court with Possession of Marijuana; Possession of Drug Paraphernalia; Driving Under Suspension, and Fictitious Plates.¹

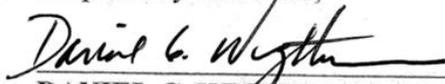
In light of this development, the parties have agreed that it is in Respondent's best interest that this Court both remand this matter to the Board for further proceedings and immediately suspend Respondent's license to practice law on an immediate interim remedial basis.

The Parties are filing a Joint Motion for Stipulated Immediate Interim Remedial Suspension concurrently hereto requesting such relief.

WHEREFORE, the undersigned parties hereby request that this Honorable Court stay its consideration of the matter submitted; give full consideration to the parties concurrently filed Joint Motion for Stipulated Immediate Interim Remedial Suspension, and; remand this matter to the Board for further proceedings.

¹ See: *City of Lorain v. Mark Provenza*, Case Nos. 2016CRB01122 & 2016TRD01967.

Respectfully submitted,



DANIEL G. WIGHTMAN, #0008790

Attorney for Respondent

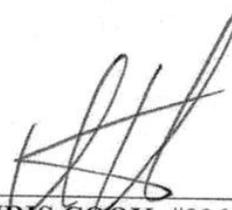
158 Lear Road, Suite A

Avon Lake, Ohio 44012

PH: 440-930-2600

FX: 440-930-2602

Email: dgwightman@gmail.com



D. CHRIS COOK, #0061073

Attorney for Relator

Lorain County Bar Association

Legal Ethics and Grievance Committee

The Commons

520 Broadway, Third Floor

Lorain, OH 44052

PH: (440) 246-2665

FX: (440) 246-2670

Email: cooklaw@centurytel.net



MARK R. PROVENZA, #0022490

Respondent

PROOF OF SERVICE

This is to certify that a copy of the foregoing Motion was sent to the following *via* Regular

U.S. Mail this 25th day of May, 2016:

Richard Dove, Esq.
Director of the Board of Professional Conduct
65 S. Front Street, 5th Fl.
Columbus, Ohio 43215
Email: Rick.Dove@sc.ohio.gov

Desiree Blankenship, Esq.
Ohio State Bar Assoc.
1700 Lakeshore Dr.
Columbus, Ohio 43204
Email: GWhetzel@ohiobar.org

Scott Drexel, Esq.
Office of Disciplinary Counsel
250 Civic Center Dr., #325
Columbus, Ohio 43215
Email: scott.drexel@sc.ohio.gov



D. CHRIS COOK
Attorney for Relator