

NO. 26378

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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OFFICE OF DISCIPLINARY COUNSEL, Petitioner,

vs.

RICHARD E. ICENOGLE, JR., Respondent.

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(ODC 01-059-6803, 01-355-7099, 02-199-7397)

ORDER ALLOWING RESIGNATION IN LIEU OF DISCIPLINE

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of the Office of Disciplinary Counsel's "ex parte motion for order granting request of Richard E. Icenogle, Jr. to resign from the practice of law in lieu of discipline," and the memorandum, affidavit and exhibit in support thereof, it appears the motion is supported by Respondent Icenogle's affidavit and that the affidavit meets the requirements of Rule 2.14(a) of the Rules of the Supreme Court of the State of Hawai'i ("RSCH"). Therefore,

IT IS HEREBY ORDERED that the motion is granted and the request of Respondent Richard E. Icenogle, Jr. to resign in lieu of discipline is granted, effective on entry of this order.

IT IS FURTHER ORDERED that (1) upon the effective date of this order, the Clerk shall remove the name of Richard E. Icenogle, Jr. from the roll of attorneys licensed to practice law in this jurisdiction, and (2) within ten (10) days after the effective date of this order, Respondent Icenogle shall deposit with the Clerk of this court the original certificate evidencing his license to practice law in this State.

IT IS FINALLY ORDERED that (1) Respondent Icenogle shall comply with the requirements of RSCH 2.16, and (2) the Disciplinary Board shall provide notice to the public and judges, as required by RSCH 2.16(e) and (f).

DATED: Honolulu, Hawai'i, February 20, 2004.