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Electronically Filed
Nov 15 2021 08:32 a.m.
Case No. Elizabeth A. Brown
Clerk of Supreme Court

**RECORD OF DISCIPLINARY PROCEEDINGS,
PLEADINGS AND TRANSCRIPT OF HEARING**

Kevin D. Holtman, Esq.
Nevada Bar No. 11603
P.O. Box 371929
Las Vegas, NV 89137
Respondent

IN THE MATTER OF)
DISCIPLINE OF)
KEVIN DENNNIS HOLTMAN, ESQ.)
BAR NO. 11603)

1. Nature of the Case

KEVIN DENNIS HOLTMAN (“Respondent”) declined to appear before a Formal Hearing Panel (“Panel”) of the Southern Nevada Disciplinary Board on September 2, 2021. The Panel consisted of Chair Thomas Sheets, Esq., Adam Garth, Esq., and lay member Jo Kent McBeath, MD. Assistant Bar Counsel Bruce Hahn, Esq. represented the State Bar of Nevada (“State Bar”). No appearance was made on the Respondent’s behalf.

This consolidated matter involves two separate grievants who retained Respondent for distinct matters. Bertild Jasmin retained Respondent in 2016 to assist him in pursuing a personal injury and property damage claim arising from a motor vehicle collision in Las Vegas, Nevada. Grievant John Kern retained Respondent in 2019 to assist him in

1 pursuing a personal injury and property damage claim arising from a
2 motor vehicle collision in Las Vegas, Nevada.

3 Respondent stopped returning Jasmin's phone calls seeking a case
4 status and no longer communicated with him.

5 Respondent stopped returning Kern's texts and phone calls seeking
6 a case status. Respondent did not identify an adverse insurance carrier for
7 recovery of damages and did not properly marshal and communicate the
8 proper damages to a separate insurance carrier in seeking a recovery.

9 An online search of the Clark County Court case information revealed
10 that Respondent did not seek a Default for Jasmin as the court minutes
11 show that Respondent told the court he would. This search showed
12 Respondent did not seek to withdraw as Jasmin's counsel and Jasmin's
13 case was administratively closed without notice to Jasmin.

14 Respondent did not respond to numerous State Bar communication
15 attempts by mail to Respondent's physical address, phone and email to
16 fully investigate the Jasmin and Kern grievances. Respondent was
17 personally served with the Complaint and advance notice of the Formal
18 Hearing at a non-SCR 79 physical address.

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1 Annotated Standards for Imposing Lawyer Sanctions (“Standard”).
2 Standard 7.2 applied to the violations of RPC 8.1.

3 **7. Aggravation and Mitigation**

4 Pursuant to SCR 102.5(1), the Panel found the following aggravating
5 factors in considering the discipline to be imposed:

6 (c) Pattern of misconduct;

7 (d) Multiple offenses;

8 (e) Bad faith obstruction of the disciplinary proceeding by
9 intentionally filing to comply with rules or orders;

10 (h) Vulnerability of victim (Jasmin);

11 (i) Substantial experience in the practice of law.

12 Pursuant to SCR 102.5(2), the Panel found the following mitigating
13 factors:

14 (a) Absence of a prior disciplinary record.

15 **8. Summary of the Recommended Discipline**

16 The Panel found insufficient reason to deviate above or below the
17 suspension baseline. It recommended this Court suspend Respondent for
18 a two year and one day term, Respondent pass the Nevada Bar

1 Examination and Multi-State Professional Responsibility Examination and
2 order the SCR 120 cost of \$2,500 and hearing costs against Respondent.

3 DATED this 21 day of October 2021.

4 **STATE BAR OF NEVADA**
5 Daniel M. Hooge, Bar Counsel

6 *Bruce Hahn*

7 By: _____
8 Bruce C. Hahn, Asst. Bar Counsel
9 Bar No. 5011
3100 W. Charleston Blvd. Suite 100
Las Vegas, Nevada 89102
(702) 382-2200

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8	State Bar's Exhibit 1- Hearing Packet and Group of Exhibits	ROA Page 201-446	II
9	State Bar's Exhibit 2- Affidavit of Prior Discipline	ROA Page 447	II

Case No: OBC20-1208



FILED

MAY 04 2021

STATE BAR OF NEVADA
BY: B. J. Kelly
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
KEVIN DENNIS HOLTMAN, Esq.)
Nevada Bar No. 11603)
)
Respondent.)

COMPLAINT

TO: Kevin Dennis Holtman, Esq.
P.O. Box 371929 Las Vegas, NV 89137
(SCR 79 Permanent Mailing address)

Kevin Dennis Holtman, Esq.
kholtman@holtmanlaw.com
(SCR 79 email address)

Kevin Dennis Holtman, Esq.
9920 Woodhouse Drive, Las Vegas, NV 89134
(Alternate address)

PLEASE TAKE NOTICE that pursuant to Supreme Court Rule ("SCR") 105(2) a VERIFIED RESPONSE OR ANSWER to this Complaint must be filed with the Office of Bar Counsel, State Bar of Nevada, 3100 W. Charleston Blvd., Ste. 100, Las Vegas, Nevada, 89102, within twenty (20) days of service of this Complaint. Procedure regarding service is addressed in SCR 109.

1 Complainant, State Bar of Nevada (“State Bar”), by and through its Assistant Bar
2 Counsel Bruce C. Hahn, is informed and believes as follows:

3 1. Respondent Attorney Kevin Dennis Holtman, Esq., (“Respondent”) is currently
4 an active member of the State Bar of Nevada and at all times pertinent to this complaint had
5 his principal place of business for the practice of law located in Clark County, Nevada. In
6 January 2019, the Respondent reported to the State Bar his SCR 79 contact information as:
7 PO Box 371929, Las Vegas, NV 89137 (“permanent mailing address”) and 702.569.4789
8 (“permanent telephone number”) and kholtman@holtmanlaw.com (“current email address”).

9 2. On or about June 10, 2019, client John Kern (“Kern”) retained the Respondent
10 to represent him in a personal injury action against the adverse party who struck his
11 motorcycle from behind while stopped in traffic in Las Vegas on June 4, 2019. Local
12 authorities responded and timely prepared a collision report that identified the parties.

13 3. In November 2019, the Respondent sent a settlement demand letter to a carrier
14 for the rental truck that struck his client Kern. The Respondent spoke with his client several
15 days later. This was the last voice conversation they had.

16 4. Between January 10, 2020 and June 30, 2020, Kern left at least three phone
17 messages and seven texts to the Respondent seeking a status on his claim for damages. Kern
18 did not receive return phone messages or return text messages from the Respondent.

19 5. On July 10, 2020, Kern discovered on his own effort that the rental truck carrier
20 was denying insurance coverage in favor of the adverse driver’s personal carrier coverage. On
21 July 11, 2020, Kern terminated the attorney-client relationship with the Respondent via email,
22 based upon his discovery the day prior.

23 6. On July 15, 2020, Kern received a copy of his client file from the Respondent but
24 did not receive the identity and contact information for the adverse driver’s primary carrier
25 as he had requested from Respondent.

1 7. Kern's examination of his client file revealed that the Respondent did not send
2 letters of representation to two involved insurance carriers, as Respondent claimed he would
3 do. The Respondent did not trace and identify an involved insurance carrier. Respondent did
4 not obtain all records and expenses from all of Kern's medical providers and/or him prior to
5 sending a demand letter.

6 8. Grievant Kern reported that Respondent has put him at a disadvantage in
7 negotiating a settlement with the proper carrier because of the year-long delay caused by
8 Respondent in not timely and properly identifying the relevant insurance carriers and
9 gathering all his records and related expenses.

10 9. The length of the Respondent's representation of Kern was over one year.

11 10. On November 9, 2020, Kern filed a grievance with the State Bar of Nevada.

12 11. On November 13, 2020, the State Bar sent a Letter of Investigation to the
13 Respondent's SCR 79 permanent mailing address and his SCR 79 email address, seeking
14 Respondent's reply to the Kern grievance. The State Bar received no response from the
15 Respondent.

16 12. On December 3, 2020, the State Bar directed a second Letter of Investigation by
17 regular and certified mail to Respondent's SCR 79 permanent mailing address and his SCR 79
18 email address seeking his reply to the Kern grievance. The State Bar received no response
19 from the Respondent.

20 **COUNT ONE: RPC 8.1 (Bar Admission and Disciplinary Matters)**

21 13. RPC 8.1 states in relevant part:

22 "...a lawyer in connection with...a disciplinary matter, shall not:

23 (b) "...knowingly fail to respond to a lawful demand for information from an admissions
24 or disciplinary authority;..."

25 14. On or about November 13, 2020, the State Bar opened a disciplinary file and

1 investigation into Respondent's professional conduct based upon the Kern grievance. The
2 State Bar sought to communicate with the Respondent in the ensuing months by letter and
3 email, making a lawful demand for information.

4 15. The Respondent failed to:

5 a) Respond to the State Bar's letter of investigation and request for information of
6 November 13, 2020, directed to Respondent's SCR 79 permanent mailing address and/or
7 Respondent's SCR 79 current email address, and/or,

8 b) Respond to the State Bar's letter of investigation and request for information of
9 December 3, 2020, directed to Respondent's SCR 79 permanent mailing address and/or
10 Respondent's SCR 79 current email address.

11 **COUNT TWO: RPC 1.3 (Diligence)**

12 16. RPC 1.3 states: "A lawyer shall act with reasonable diligence and promptness in
13 representing a client."

14 17. On or after June 10, 2019 through July 10, 2020, Respondent failed to act with
15 reasonable diligence and promptness in his representation of Kern by:

16 a) Not diligently and promptly identifying an involved insurance carrier from which
17 Kern might be entitled to compensation and/or,

18 b) Not diligently obtaining all necessary medical records and/or expense totals from
19 Kern's providers or from Kern.

20 **COUNT THREE: RPC 1.4(a) (Communication)**

21 18. RPC 1.4(a) states in relevant part: "(a) A lawyer shall:

22 (3) Keep the client reasonably informed about the status of the matter; (4) Promptly
23 comply with reasonable requests for information;..."

24 19.. On or between January 10, 2020 and June 30, 2020, Respondent failed to keep
25 Kern reasonably informed about the status of his claim and/or promptly reply with reasonable
requests for information from Kern by:

1 a) Not responding to Kern to his three phone messages seeking a status on his claim for
2 damages and/or,

3 b) Not responding to Kern to his seven text messages seeking a status on his claim for
4 damages.

5 **WHEREFORE**, Complainant seeks for relief as follows:

6 1. That a hearing be held pursuant to Nevada Supreme Court Rule 105;

7 2. That Respondent be assessed the costs of the disciplinary proceeding pursuant
8 to SCR 120; and

9 3. That pursuant to SCR 102, such disciplinary action be taken by the Southern
10 Nevada Disciplinary Board against Respondent as may be deemed appropriate under the
11 circumstances.

12 Dated this 4th day of May, 2021.

13 **STATE BAR OF NEVADA**
14 DANIEL M. HOOGE, Bar Counsel

15
16 By: Bruce Hahn
17 Bruce C. Hahn, Assistant Bar Counsel
18 Nevada Bar No. 5011
19 3100 W. Charleston Blvd., Ste. 100
20 Las Vegas, Nevada, 89102
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1 Case No.: OBC20-1208



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5 **STATE BAR OF NEVADA**
6 **SOUTHERN NEVADA DISCIPLINARY BOARD**

7 STATE BAR OF NEVADA,)
8)
9 Complainant,)
10 vs.)
11 KEVIN D. HOLTMAN, ESQ.,)
12 NEVADA BAR No. 11603)
13)
14 Respondent.)

DESIGNATION OF
HEARING PANEL MEMBERS

15 The following are members of the Disciplinary Board for the Southern District of
16 Nevada. Pursuant to Nevada Supreme Court Rule (SCR) 105, you may issue peremptory
17 challenge to five (5) such individuals by delivering the same in writing to the Office of Bar
18 Counsel within twenty (20) days of service of the complaint.

19 The Chair of the Southern Nevada Disciplinary Board will thereafter designate a
20 hearing panel of three (3) members of the Disciplinary Board, including at least one
21 member who is not an attorney, to hear the above-captioned matter.

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25
1. Russell E. Marsh, Esq., Chair
 2. Dana Palmer Oswalt, Esq., Vice Chair
 3. Christopher J. Lalli, Esq., Vice Chair
 4. Annette L. Bradley, Esq.
 5. John E. Bragonje, Esq.
 6. Shemilly A. Briscoe, Esq.

- 1 7. Robert J. Caldwell, Esq.
- 2 8. Jacqueline B. Carman, Esq.
- 3 9. James P. Chrisman, Esq.
- 4 10. Nell E. Christensen, Esq.
- 5 11. Marc P. Cook, Esq.
- 6 12. Ira W. David, Esq.
- 7 13. Damon Dias, Esq.
- 8 14. Sandra K. DiGiacomo, Esq.
- 9 15. F. Thomas Edwards, Esq.
- 10 16. Matthew S. Fox, Esq.
- 11 17. Alan Freer, Esq.
- 12 18. Adam Garth, Esq.
- 13 19. Kelly Giordani, Esq.
- 14 20. Robert G. Giunta, Esq.
- 15 21. Angela Guingcangco, Esq.
- 16 22. Parish D. Heshmati, Esq.
- 17 23. Kenneth E. Hogan, Esq.
- 18 24. Jennifer K. Hostetler, Esq.
- 19 25. Franklin J. Katschke, Esq.
- 20 26. James T. Leavitt, Esq.
- 21 27. Michael B. Lee, Esq.
- 22 28. Anat R. Levy, Esq.
- 23 29. Jennifer R. Lloyd, Esq.
- 24 30. Donald Lowrey, Esq.
- 25 31. Dawn M. Lozano, Esq.

- 1 32. Jason R. Maier, Esq.
- 2 33. Farhan Naqvi, Esq.
- 3 34. Michael J. Oh, Esq.
- 4 35. Brian J. Pezzillo, Esq.
- 5 36. Gary A. Pulliam, Esq.
- 6 37. Paul “Luke” Puschnig, Esq.
- 7 38. Jericho L. Remitio, Esq.
- 8 39. Jarrod L. Rickard, Esq.
- 9 40. Miriam E. Rodriguez, Esq.
- 10 41. Vincent J. Romeo, Esq.
- 11 42. Daniel F. Royal, Esq.
- 12 43. Maria V. Saladino, Esq.
- 13 44. Africa A. Sanchez, Esq.
- 14 45. Jen J. Sarafina, Esq.
- 15 46. Jay A. Shafer, Esq.
- 16 47. Thomas R. Sheets, Esq.
- 17 48. Jeffrey G. Sloane, Esq.
- 18 49. Sarah E. Smith, Esq.
- 19 50. James R. Sweetin, Esq.
- 20 51. Stephen L. Titzer Esq.
- 21 52. Jacob J. Villani, Esq.
- 22 53. Marni Watkins, Esq.
- 23 54. Dan R. Waite, Esq.
- 24 55. Joseph Went, Esq.
- 25 56. Reed J. Werner, Esq.

- | | | |
|----|-----|--------------------------------|
| 1 | 57. | Natalie Ann Allred, Laymember |
| 2 | 58. | Afeni Banks, Laymember |
| 3 | 59. | Brian Catlett, Laymember |
| 4 | 60. | Kathy Dalvey, Laymember |
| 5 | 61. | Alexander Falconi, Laymember |
| 6 | 62. | Brittany Falconi, Laymember |
| 7 | 63. | Joelyne Gold, Laymember |
| 8 | 64. | Elizabeth A. Hanson, Laymember |
| 9 | 65. | Jack S. Hegeduis, Laymember |
| 10 | 66. | Julia D. Hesmati, Laymember |
| 11 | 67. | Nicholas Kho, Laymember |
| 12 | 68. | Annette Kingsley, Laymember |
| 13 | 69. | Gale Kotlikova, Laymember |
| 14 | 70. | Benjamin S. Lurie, Laymember |
| 15 | 71. | Jo Kent McBeath, Laymember |
| 16 | 72. | Steve Moore, Laymember |
| 17 | 73. | Grace Ossowski, Laymember |
| 18 | 74. | Peter Ossowski, Laymember |
| 19 | 75. | Kellie C. Rubin, Laymember |
| 20 | 76. | Vikki L. Seelig, Laymember |

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- 77. Danny Lee Snyder, Jr., Laymember
- 78. Harvey Weatherford, Laymember

DATED this 4th day of May. 2021.

STATE BAR OF NEVADA
Daniel M. Hooge, Bar Counsel

By: *Bruce Hahn*

Bruce C. Hahn, Assistant Bar Counsel
3100 W. Charleston Blvd, Ste. 100
Las Vegas, Nevada 89102
Phone: (702) 382-2200



FILED

MAY 04 2021

STATE BAR OF NEVADA

BY: B. J. Kelly
OFFICE OF BAR COUNSEL

Case Nos.: OBC20-1208

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
KEVIN D. HOLTMAN, ESQ.,)
BAR NO. 11603)
)
Respondent.)

DECLARATION OF MAILING

Sonia Del Rio, under penalty of perjury, being first and duly sworn, deposes and says as follows:

1. That Declarant is employed with the State Bar of Nevada and, in such capacity, Declarant is Custodian of Records for the Discipline Department of the State Bar of Nevada.
2. That Declarant states that the enclosed documents are true and correct copies of the **COMPLAINT, FIRST DESIGNATION OF HEARING PANEL MEMBERS, and STATE BAR OF NEVADA'S PEREMPTORY CHALLENGES** in the matter of the *State Bar of Nevada vs. Kevin D. Holtman, Esq.*, Case No. OBC20-1208.

3. That pursuant to Supreme Court Rule 109, the Complaint, First Designation of Hearing Panel Members, and State Bar of Nevada's Peremptory Challenges were served on the following placing copies in an envelope which was then sealed and postage fully prepaid for regular and certified mail, and deposited in the United States mail at Las Vegas, Nevada on **May 4, 2021**, to:

Kevin D. Holtman, Esq.
P.O. Box 371929
Henderson, Nevada 89137
CERTIFIED MAIL RECEIPT: 7021 0350 0001 7810 2876

Kevin D. Holtman, Esq.
9920 Woodhouse Drive
Las Vegas, NV 89134
CERTIFIED MAIL RECEIPT: 7021 0350 0001 7810 2869

And via electronic mail on May 4, 2021 to:

Kevin D. Holtman, Esq.: kholtman@holtmanlaw.com (SCR 79 email)
holtmank@gmail.com (Alternate email address)

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 4th day of May, 2021.

Sonia Del Rio
Sonia Del Rio, an employee
of the State Bar of Nevada



FILED

MAY 26 2021

STATE BAR OF NEVADA
BY: *[Signature]*
OFFICE OF BAR COUNSEL

Case No.: OBC20-1208

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
KEVIN DENNIS HOLTMAN, ESQ.,)
Nevada Bar No. 11603)
Respondent.)

**NOTICE OF INTENT TO
PROCEED ON A DEFAULT BASIS**

PLEASE TAKE NOTICE THAT unless the State Bar receives a responsive pleading in the above-captioned matter by June 16, 2021, it will proceed on a default basis and ***the charges against you in the Complaint shall be deemed admitted.*** Supreme Court Rule 105 (2) states in relevant part:

A copy of the complaint shall be served on the attorney and it shall direct that a verified response or answer be served on bar counsel within 20 days of service . . . In the event the attorney fails to plead, **the charges shall be deemed admitted**; provided, however, that an attorney who fails to respond within the time provided may thereafter obtain permission of the appropriate disciplinary board chair to do so, if failure to file is attributable to mistake, inadvertence, surprise, or excusable neglect. (Emphasis added.)

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1 Additional copies of the Complaint previously served upon you, and the First Designation of
2 Hearing Panel Members, accompanies this Notice.

3 Dated this 26th day of May 2021.

4 **STATE BAR OF NEVADA**
5 **DANIEL M. HOOGE, BAR COUNSEL**

6 By: *Bruce Hahn*
7 _____
8 Bruce C. Hahn, Assistant Bar Counsel
9 Nevada Bar No. 5011
10 3100 W. Charleston Blvd, Ste. 100
11 Las Vegas, Nevada 89102
12 Phone: (702) 382-2200
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1 **CERTIFICATE OF SERVICE BY MAIL**

2 The undersigned hereby certifies a true and correct copy of the foregoing **NOTICE OF**
3 **INTENT TO PROCEED ON A DEFAULT BASIS AND COMPLAINT** was deposited in the
4 United States Mail at Las Vegas, Nevada, postage fully pre-paid thereon for first-class regular mail
5 and certified mail, return receipt requested, addressed to:

6 Kevin Dennis Holtman, Esq.
7 Law Office of Kevin D. Holtman
8 PO Box 371929
9 Las Vegas, NV 89137
10 **CERTIFIED MAIL RECEIPT NO. 7020 0640 0002 2671 3154**
11 *SCR 79 Address*

12 *And:*

13 Kevin Dennis Holtman, Esq.
14 9920 Woodhouse Drive
15 Las Vegas, NV 89134
16 **CERTIFIED MAIL RECEIPT NO.: 7020 0640 0002 2671 3147**
17 *Alternate Address*

18 *And:*

19 Kevin Dennis Holtman, Esq.
20 10697 W. Centennial Pkwy., #1125
21 Las Vegas, NV 89166
22 **CERTIFIED MAIL RECEIPT NO.: 7020 0640 0002 2671 3130**
23 *Alternate Address*

24 **And via email to:**

- 25 1. Kevin Dennis Holtman, Esq. (Respondent): kholtman@holtmanlaw.com
2. Bruce C. Hahn, Esq. (Assistant Bar Counsel): bruceh@nvbar.org

DATED this 26th day of May 2021.

Sonia Del Rio

Sonia Del Rio, an employee of
the State Bar of Nevada.

1 Case No: OBC20-1208

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STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

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Complainant,)
vs.)
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KEVIN DENNIS HOLTMAN, Esq.)
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TO: Kevin Dennis Holtman, Esq.
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(SCR 79 email address)

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(Alternate address)

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5 a) Respond to the State Bar's letter of investigation and request for information of
6 November 13, 2020, directed to Respondent's SCR 79 permanent mailing address and/or
7 Respondent's SCR 79 current email address, and/or,

8 b) Respond to the State Bar's letter of investigation and request for information of
9 December 3, 2020, directed to Respondent's SCR 79 permanent mailing address and/or
10 Respondent's SCR 79 current email address.

11 **COUNT TWO: RPC 1.3 (Diligence)**

12 16. RPC 1.3 states: "A lawyer shall act with reasonable diligence and promptness in
13 representing a client."

14 17. On or after June 10, 2019 through July 10, 2020, Respondent failed to act with
15 reasonable diligence and promptness in his representation of Kern by:

16 a) Not diligently and promptly identifying an involved insurance carrier from which
17 Kern might be entitled to compensation and/or,

18 b) Not diligently obtaining all necessary medical records and/or expense totals from
19 Kern's providers or from Kern.

20 **COUNT THREE: RPC 1.4(a) (Communication)**

21 18. RPC 1.4(a) states in relevant part: "(a) A lawyer shall:

22 (3) Keep the client reasonably informed about the status of the matter; (4) Promptly
23 comply with reasonable requests for information;..."

24 19.. On or between January 10, 2020 and June 30, 2020, Respondent failed to keep
25 Kern reasonably informed about the status of his claim and/or promptly reply with reasonable
requests for information from Kern by:

1 a) Not responding to Kern to his three phone messages seeking a status on his claim for
2 damages and/or,

3 b) Not responding to Kern to his seven text messages seeking a status on his claim for
4 damages.

5 **WHEREFORE**, Complainant seeks for relief as follows:

6 1. That a hearing be held pursuant to Nevada Supreme Court Rule 105;

7 2. That Respondent be assessed the costs of the disciplinary proceeding pursuant
8 to SCR 120; and

9 3. That pursuant to SCR 102, such disciplinary action be taken by the Southern
10 Nevada Disciplinary Board against Respondent as may be deemed appropriate under the
11 circumstances.

12 Dated this 4th day of May, 2021.

13 **STATE BAR OF NEVADA**
14 DANIEL M. HOOGE, Bar Counsel

15
16 By: Bruce Hahn
17 Bruce C. Hahn, Assistant Bar Counsel
18 Nevada Bar No. 5011
19 3100 W. Charleston Blvd., Ste. 100
20 Las Vegas, Nevada, 89102
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Case Nos: OBC20-1208



STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
)
vs.)
KEVIN HOLTMAN, ESQ.)
NV BAR No. 11603)
)
Respondent.)
)

**ORDER APPOINTING
HEARING PANEL CHAIR**

IT IS HEREBY ORDERED that the following member of the Southern Nevada
Disciplinary Board has been designated and as the Hearing Panel Chair.

- 1. Nell Christensen, Esq., Chair

DATED this 29 day of June, 2021.

STATE BAR OF NEVADA

By: Russell E. Marsh
Russell E. Marsh (Jun 30, 2021 08:54 PDT)
Russell E. Marsh, Esq.
Nevada Bar No. 11198
Chair, Southern Nevada Disciplinary Board

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CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **ORDER APPOINTING HEARING PANEL CHAIR** was deposited via electronic mail to:

1. Nell Christensen, Esq. (Panel Chair): nell.christensen@clarkcountyda.com
2. Kevin Holtman, Esq. (Respondent): kholtman@holtmanlaw.com (SCR 79 Email)
holtmank@gmail.com (Alternate Email)
3. Bruce Hahn (Assistant Bar Counsel): bruceh@nvbar.org

Dated this 30th day of June 2021.

Sonia Del Rio

Sonia Del Rio, an employee
of the State Bar of Nevada

Case No. OBC20-1208



**STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD**

STATE BAR OF NEVADA,)
Complainant,)
)
vs.)
)
KEVIN DENNIS HOLTMAN, ESQ.,)
Nevada Bar No. 11603,)
)
Respondent.)
)

**NOTICE OF TELEPHONIC INITIAL
CASE CONFERENCE**

PLEASE TAKE NOTICE, the telephonic Initial Case Conference in the above-entitled matter is set for **July 2, 2021, at 2:00p.m.** The State Bar conference call number is 1-877-594-8353, participant passcode is 46855068#.

Dated this 30th day of June 2021.

STATE BAR OF NEVADA
Daniel M. Hooge, Bar Counsel

Bruce Hahn

Bruce Hahn, Assistant Bar Counsel
3100 W. Charleston Boulevard, Suite 100
Las Vegas, Nevada 89102
(702) 382-2200
Attorney for Complainant

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CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing
NOTICE OF TELEPHONIC INITIAL CASE CONFERENCE was served
electronically to:

1. Nell Christensen, Esq. (Panel Chair): nell.christensen@clarkcountyda.com
2. Kevin Holtman, Esq. (Respondent): kholtman@holtmanlaw.com (SCR 79 Email)
holtmank@gmail.com (Alternate Email)
3. Bruce Hahn (Assistant Bar Counsel): bruceh@nvbar.org

Dated this 30th day of June 2021.

Sonia Del Rio

Sonia Del Rio, an employee
of the State Bar of Nevada

Case No.: OBC20-1208 & OBC20-1249



**STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD**

STATE BAR OF NEVADA,)
Complainant,)
vs.)
KEVIN DENNIS HOLTMAN, ESQ.,)
NV Bar No. 11603)
Respondent.)

**SCHEDULING & CASE
CONSOLIDATION ORDER
AT INITIAL CONFERENCE**

Pursuant to Rule 17 of the Disciplinary Rules of Procedure (“DRP”), on Friday, July 2, 2021, at 2:00 p.m., Formal Hearing Panel Chair Nell Christensen, Esq., met telephonically with Bruce Hahn, Esq., Assistant Bar Counsel, on behalf of the State Bar of Nevada, to conduct the duly-noticed Initial Conference in the matter of OBC20-1208. Respondent did not appear. Respondent made no advance contact with the State Bar or the Chair advising of any scheduling or appearance difficulty.

During the Case Conference the State Bar proffered event dates, provided a case status under offer of proof and made an oral motion for case joinder of OBC20-1249 with this matter.

The Chair finds and rules as follows:

1. The State Bar consents to electronic service. The Chair orders that service to all parties and the Chair will occur by electronic means of all documents pursuant to Supreme Court Rule (“SCR”) 109(2), NRCP 5, and DRP 11(b)(3) with the understanding that **all documents need to be submitted by 5:00 p.m. to be file stamped timely.**

1 **2.** The State Bar consents to Clark County, Nevada venue. The Chair finds Clark County
2 venue to be proper.

3 **3.** The Formal Hearing for this matter is hereby set for **one (1) day starting at 9:00 a.m.**
4 **on September 2, 2021**, and shall take place virtually via “Zoom” conferencing absent further notice.

5 **4.** On or before **July 9, 2021, at 5:00 p.m.**, the State Bar of Nevada’s initial disclosures
6 shall be served on the Respondent. The documents provided by the State Bar shall be bates stamped
7 with numerical designations. *See* DRP 17 (a).

8 **5.** On or before **July 16, 2021, at 5:00 p.m.**, Respondent’s initial disclosures shall be
9 served on the State Bar. The documents provided by the Respondent shall be bates stamped with
10 alphabetical exhibit designations. *See* DRP 17 (a).

11 **6.** On or before **August 3, 2021, at 5:00 p.m.**, the parties shall file and serve any
12 Motions.

13 **7.** On or before **August 17, 2021, at 5:00 p.m.**, all oppositions to the Motions, if any,
14 shall be filed and served on the parties.

15 **8.** On or before **August 3, 2021, at 5:00 p.m.**, the parties shall serve a Final Designation
16 of witnesses expected to testify and exhibits expected to be presented at the Formal Hearing in this
17 matter, pursuant to SCR 105(2)(d), DRP 17(a) and DRP 21.

18 **9.** All documents disclosed shall be bates stamped, the State Bar will use numerical
19 exhibit designations and Respondent will use alphabetical exhibit designations, pursuant to DRP 17.

20 **10.** On **August 19, 2021, at 9:00 a.m.**, the parties shall meet telephonically with Panel
21 Chair Nell Christensen Esq. for the Pre-hearing Conference. Any pending issues, including pending
22 Motions, will be addressed at the Pre-hearing Conference. The parties shall use the State Bar
23 conference bridge (877) 594-8353 and the passcode is 46855068#. Pursuant to DRP 23, at the Pre-
24 hearing conference (i) the parties shall discuss all matters needing attention prior to the hearing date,
25 (ii) the Chair may rule on any motions or disputes including motions to exclude evidence, witnesses,

or other pretrial evidentiary matter, and (iii) the parties shall discuss and determine stipulated exhibits proffered by either the State Bar or Respondent as well as a stipulated statement of facts, if any.

11. The State Bar stipulates to waive SCR 105(2)(d) to allow for the formal appointment of the remaining hearing panel members on a date that is greater than 45 days prior to the scheduled hearing. The Chair finds good cause and it is so ordered.

12. Joinder of OBC20-1249 with the instant matter of OB20-1208 is granted and all event dates enumerated here apply equally to both cases immediately above. Joinder is based upon the State Bar's oral offer of proof and the Chair's consideration of the complaint in OBC20-1249 filed May 4, 2021. Between both cases, the Chair finds substantial similarity in Rule of Professional Conduct charges, overlapping dates alleged and procedural status in that a Notice of Intent to Proceed on a Default Basis was filed May 26, 2021 in both matters. The Chair further finds that interests of economy would be served by joinder and no unfair prejudice to the Respondent would occur by a single grievance being consolidated here for Formal Hearing.

Based on the proffer of the State Bar to the foregoing during the telephonic Initial Conference, no objection being made and good cause appearing, **IT IS SO ORDERED.**

Dated this 7th day of July 2021.

SOUTHERN NEVADA DISCIPLINARY BOARD

By: Nell Christensen
Nell Christensen, Esq.
Hearing Panel Chair

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CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing
SCHEDULING & CASE CONSOLIDATION ORDER AT INITIAL CONFERENCE was
deposited via electronic mail to:

1. Nell Christensen, Esq. (Panel Chair): nell.christensen@clarkcountyda.com
2. Kevin Holtman, Esq. (Respondent): kholtman@holtmanlaw.com (SCR 79 Email)
holtmank@gmail.com (Alternate Email)
3. Bruce Hahn (Assistant Bar Counsel): bruceh@nvbar.org

Dated this 7th day of July 2021.

Sonia Del Rio

Sonia Del Rio, an employee
of the State Bar of Nevada

Case Nos: OBC20-1208 & OBC20-1249



STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
KEVIN DENNIS HOLTMAN, ESQ.,)
NV Bar No. 11603,)
Respondent.)

STATE BAR OF NEVADA'S
INITIAL DISCLOSURE OF
DOCUMENTS AND WITNESSES

PLEASE TAKE NOTICE that the following is an initial list of witnesses and documents which may be offered by the State Bar of Nevada ("State Bar") at the time of the Formal Hearing scheduled for September 2, 2021. The State Bar reserves the right to supplement its disclosures with documents and witnesses, as necessary.

A. Documents

The documents identified below are enclosed with this Disclosure and marked with Bates Numbers SBN Page 001 through SBN Page 132.

OBC20-1208 Disclosure List (John Kern):

1. Grievance & Discovery of Grievant materials, SBN 001 – 011.
2. Text Messages between Kern and Holtman, SBN 012 – 017.
3. State Farm Correspondence, SBN 018 – 022.

1 4. Email chain between Kern and Holtman, dated June 14, 2019 - July 15, 2020,
2 SBN 023-032.

3 5. Email ELCO Claims Services, dated July 10, 2020, SBN 033-034.

4 6. Fax sent to Holtman, dated July 1, 2020, SBN 035-036.

5 7. Representation Letter, dated July 15, 2020, SBN 037.

6 8. Letter of Investigation, dated November 13, 2020, SBN 038.

7 9. Letter of Investigation, dated December 3, 2020, SBN 039- 040.

8 **OBC20-1249 Disclosure List (Jasmin Bertild):**

9 10. Grievance & Discovery of Grievant materials, SBN 041-042.

10 11. Letter of Investigation, dated December 3, 2020, SBN 043.

11 12. Pleadings from Case A-17-754280-C and A-18-772071-C, SBN 044-127.

12 13. Court Minutes for Case A-18-772071-C, dated February 19, 2019, SBN 128.

13 14. Order Scheduling Status Check, dated May 2, 2019, SBN 129.

14 15. Court Minutes for Case A-18-772071-C, dated July 2, 2019, SBN 130.

15 16. Court Minutes for Case A-18-772071-C, dated February 4, 2020, SBN 131.

16 17. American Access Casualty Company website page, SBN 132.

17 **B. Witnesses**

18 1. Respondent Kevin Dennis Holtman, Esq. (via simultaneous audio-visual
19 transmission) may offer testimony about his legal representation of the Grievants John
20 Kern and Bertild Jasmin, the status of his current legal practice, his past and present
21 physical and mental health status related to his legal practice, his SCR 79 contact
22 information past and presently on file with the State Bar, his business and personal contact
23 locations and addresses, his receipt of State Bar correspondence and his lack of replies –
24 should he appear.

25 ///

1 2. State Bar employee-investigator Laura Peters (via simultaneous audio-visual
2 transmission) may offer testimony about the investigative efforts to locate the Respondent
3 and contact attempts made to the Respondent. Ms. Peters may offer testimony concerning
4 her online investigative searches with the Eight Judicial District Court website to ascertain
5 relevant pleading filings and the results of those searches. Ms. Peters's testimony may
6 include that the Respondent made no motion to withdraw as counsel of record in his
7 representation of Bertild Jasmin. Her testimony may include her documentation of
8 estimated professional time, expense and costs associated with her overall investigation in
9 OBC-1208 & OBC20-1249.

10 4. Lay witness-grievant John Kern (OBC20-1208) may offer testimony (via
11 simultaneous audio-visual transmission) about his understanding of the Respondent's
12 legal representation of him in his personal injury matter, Kern's conversations, texts,
13 emails and other correspondence with the Respondent, results achieved in the legal
14 representation and expenses he has incurred. His testimony may include his observations
15 of his client file when it was returned to him and the results of his own personal
16 investigation into potential adverse insurance carriers and his contact with them.

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1 5. Lay witness-grievant Bertild Jasmin (OBC20-1249) may offer testimony (via
2 simultaneous audio-visual transmission) about his understanding of the Respondent's
3 legal representation of him in his personal injury matter, Jasmin's conversations, texts,
4 emails and other correspondence with the Respondent, results achieved in the legal
5 representation and expenses he has incurred.

6 DATED this 9th day of July 2021.

7
8 **STATE BAR OF NEVADA**

 DANIEL M. HOOGE, Bar Counsel

9
10 *Bruce Hahn*

By: _____

Bruce C. Hahn, Assistant Bar Counsel

Nevada Bar No. 5011

3100 W. Charleston Blvd., Ste. 100

Las Vegas, Nevada 89102

(702) 382.2200

Attorney for State Bar of Nevada

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CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **STATE BAR OF NEVADA'S INITIAL DISCLOSURE OF DOCUMENTS AND WITNESSES** was served electronically to:

1. Kevin Holtman, Esq. (Respondent): kholtman@holtmanlaw.com (SCR 79 Email)
holtmank@gmail.com (Alternate Email)
2. Bruce Hahn (Assistant Bar Counsel): bruceh@nvbar.org

Dated this 9th day of July 2021.

Sonia Del Rio

Sonia Del Rio, an employee
of the State Bar of Nevada



Case Nos: OBC20-1208; OBC20-1249

**STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD**

STATE BAR OF NEVADA,

Complainant,

vs.

KEVIN HOLTMAN, ESQ.

NV BAR No. 11603

Respondent.

**ORDER APPOINTING
FORMAL HEARING PANEL**

IT IS HEREBY ORDERED that the following members of the Southern Nevada Disciplinary Board have been designated as members of the formal hearing panel in the above-entitled action. The hearing will be convened on the 2nd day of September, 2021 starting at 9:00 a.m. via Zoom Video Conferencing.

1. Nell Christensen, Esq., Chair;
2. Adam Garth, Esq.
3. Dr. Jo Kent McBeath, Laymember

DATED this 29 day of July, 2021

STATE BAR OF NEVADA

By: Russell Marsh
Russell Marsh (Jul 29, 2021 13:18 PDT)
Russell Marsh, Esq.
Nevada Bar No. 11198
Chair, Southern Nevada Disciplinary Board

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CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **ORDER APPOINTING FORMAL HEARING PANEL** was deposited via electronic mail to:

1. Nell Christensen, Esq. (Panel Chair): nell.christensen@clarkcountynyda.com
2. Adam Garth, Esq. (Panel Member): agarth@me.com
3. Jo Kent McBeath (Panel Lay Member): jkmcbeth@outlook.com
4. Kevin Holtman, Esq. (Respondent): kholtman@holtmanlaw.com (SCR 79 Email)
holtmank@gmail.com (Alternate Email)
5. Bruce Hahn (Assistant Bar Counsel): bruceh@nvbar.org

Dated this 29th day of July 2021.

Sonia Del Rio
Sonia Del Rio, an employee
of the State Bar of Nevada

Case No. OBC20-1208 & OBC20-1249



**STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD**

STATE BAR OF NEVADA,

Complainant,

vs.

KENNETH DENNIS HOLTMAN, ESQ.,
Bar No. 11603

Respondent.

MOTION FOR DEFAULT ENTRY

COMES NOW, Bruce C. Hahn, Assistant Bar Counsel for the State Bar of Nevada, and requests that an Order of Default be entered against Kevin Dennis Holtman, Esq., ("Respondent") in the foregoing matter. This request is made and based upon the following Points and Authorities, the supporting Declaration of State Bar Hearing Paralegal Sonia Del Rio dated August 3, 2021 (with exhibits), and upon such further evidence and argument as the Chair may request or entertain.

MEMORANDUM OF POINTS AND AUTHORITIES

A. Respondent's SCR 79 Obligation:

Respondent is member of the State Bar of Nevada, having been licensed in the State

1 of Nevada since October 22, 2009. Nevada Supreme Court Rule (“SCR”) 79(1) requires
2 every member of the State Bar of Nevada to provide the State Bar with a permanent mailing
3 address, permanent telephone number, and a current email address for purposes of State
4 Bar communication with the attorney.

5 The SCR 79 information provided by Respondent and on file with the State Bar as
6 of January 7, 2019, is:

- 7 a. Permanent Mailing Address: P.O. Box 371929 Las Vegas, NV 89137
 - 8 b. Permanent Telephone Number: 702.569.4789
 - 9 c. Current Email Address: kholtman@holtmanlaw.com
 - 10 d. Alternate Email Address: holtmank@gmail.com
 - 11 d. Alternate Mailing Address: None disclosed
 - 12 e. “Accurint” Alternate Address: 9920 Woodhouse Drive, Las Vegas, NV 89134
- 13 Respondent was personally served at this alternate address on March 14, 2021, by
14 licensed process server Tanner Trewet on a separate matter.

15 **B. Complaint service efforts:**

16 The State Bar of Nevada filed two Complaints against Respondent on May 4, 2021.
17 These Complaints charge Respondent with violations of Rules of Professional Conduct
18 (“RPC”) as follows:

19 OBC20-1208 (Kern)

- 20 1. RPC 8.1: Bar Disciplinary Matters
- 21 2. RPC 1.3: Diligence
- 22 3. RPC 1.4(a): Communication

23 OBC20-1249 (Bertild)

- 24 1. RPC 8.1: Bar Disciplinary Matters
- 25 2. RPC 1.3: Diligence
- 3. RPC 1.4(a) Communication

1 4. RPC 3.2(a) Expediting Litigation

2 Pursuant to SCR 109(1) service of a Complaint must be made by mailing a copy to
3 Respondent's SCR 79 address via certified mail.¹

4 The State Bar complied with its service obligation concerning the Complaints, by
5 sending it via (i) certified US mail and (ii) first class US mail to Respondent's SCR 79
6 address, pursuant to SCR 109(1). The State Bar also attempted service of the Complaints
7 by (iii) certified US mail to an alternate mailing address discovered by "Accurint" research
8 where the Respondent had been served months previously. The State Bar also attempted
9 to provide notice of the Complaints to Respondent's current and alternate email addresses.

10 Respondent's Response was due on May 27 (twenty days plus three days for service
11 by mail). No answer or responsive pleading has been filed by Respondent.

12 **C. Notice of Intent to Proceed on Default Basis service efforts:**

13 In accordance with Disciplinary Rule of Procedure 14(c), the State Bar filed a
14 separate Notice for each of the two cases, to wit: Notices of Intent to Proceed on a Default
15 Basis ("NOIPD") against Respondent on May 26, 2021. These Notices cautioned the
16 Respondent that the failure to file a responsive pleading would result in all charges being
17 deemed admitted pursuant to SCR 105(2).

18 The State Bar complied with and exceeded service obligations concerning the NOIPD²
19 by sending it via (i) certified US mail and (ii) by first class US mail to Respondent's SCR 79
20 address. The State Bar also attempted service of the NOIPD by certified mail to an alternate
21 mailing address discovered by "Accurint" research where the Respondent had been served

22 ///

23 ///

24 ¹ Effective service alternatives for the Complaint under SCR 109(1) include 'Registered Mail' or personal
25 service.

² SCR 109(2) states that effective service of 'papers' other than the Complaint are governed by NRCP 5. Effective service for these other papers can simply include mailing the documents to the person's last known address for non-represented persons. NRCP 5(b)(2)(C).

1 months previously. The State Bar also attempted to provide notice of the NOIPDs by
2 sending a copy to Respondent's current and alternate email addresses.

3 Pursuant to the NOIPDs, Respondent's response was due on June 16, 2021. No Answer
4 or responsive pleading has been filed by Respondent.

5 **D. Conclusion**

6 Despite the State Bar meeting and exceeding Nevada's rules to provide Respondent
7 notice of charges and notice of default, Respondent has failed to file an Answer or otherwise
8 enter an appearance in this action. Therefore, pursuant to SCR 105(2) and DRP 14(c), State
9 Bar respectfully requests:

- 10 (i) Order of Default against Respondent in OBC20-1208 & OBC20-1249;
11 (ii) a finding that the charges of the two Complaints are deemed admitted; and
12 (iii) the scheduled Formal Hearing of September 2, 2021, at 9:00 am proceed
13 forward for the sole purpose of determining the appropriate disciplinary sanctions.

14 DATED this 3rd day of August 2021.

16 **STATE BAR OF NEVADA**
Daniel M. Hooe, Bar Counsel

18 By: Bruce Hahn
19 Bruce C. Hahn, Assistant Bar Counsel
20 3100 W. Charleston Boulevard, Suite 100
21 Las Vegas, Nevada 89102
(702) 382-2200
Attorney for Complainant

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CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **MOTION FOR DEFAULT ENTRY** was deposited via electronic mail to:

1. Nell Christensen, Esq. (Panel Chair): nell.christensen@clarkcountyda.com
2. Kevin Holtman, Esq. (Respondent): kholtman@holtmanlaw.com (SCR 79 Email)
holtmank@gmail.com (Alternate Email)
3. Bruce Hahn (Assistant Bar Counsel): bruceh@nvbar.org

Dated this 3rd day of August 2021.

Sonia Del Rio
Sonia Del Rio, an employee
of the State Bar of Nevada



Case No: OBC 20-1208 & OBC20-1249

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
KEVIN DENNIS HOLTMAN, ESQ.,)
Nevada Bar No. 11603)
)
Respondent.)
_____)

DECLARATION OF SERVICE IN
SUPPORT OF ENTRY OF DEFAULT

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

Sonia Del Rio, Hearing Paralegal, State Bar of Nevada, Office of Bar Counsel, under penalty of perjury, being first duly sworn, declares as follows:

That Declarant is employed as a Hearing Paralegal for the State Bar of Nevada, Office of Bar Counsel ("OBC") and in such capacity is a custodian of records for the OBC. Declarant attests that the attached documents are true and accurate copies of records generated by and maintained by the OBC in the ordinary course of business.

That Declarant attests that the following is a summary of the OBC efforts to locate and provide attorney Kevin Dennis Holtman ("Respondent") with a Complaint and Notice of Intent to Proceed on Default Basis ("NOIPD") in the two cases above:

1 1. Respondent is member of the State Bar of Nevada, having been licensed in the
2 State of Nevada since October 22, 2009, or thereabout.

3 2. Nevada Supreme Court Rule ("SCR") 79(1) requires every member of the State
4 Bar of Nevada to provide the State Bar with a permanent mailing address, permanent
5 telephone number, and a current email address for purposes of State Bar communication with
6 the attorney.

7 3. The SCR 79 information provided by Respondent and on file with the State Bar,
8 as of January 7, 2019, was as below, in addition to an alternate address (f) discovered in early
9 2021 via "Accurint" search (a LEXIS-NEXIS service):

10 a. Permanent Mailing Address: P.O. Box 371929 Las Vegas, NV 89137

11 b. Permanent Telephone Number: (702) 569-4789

12 c. Current Email Address: kholtman@holtmanlaw.com

13 d. Alternate Email address: holtmank@gmail.com

14 e. Alternate Mailing Address: None disclosed

15 f. "Accurint" alternate address: 9920 Woodhouse Drive, Las Vegas, NV 89134.

16 Respondent was personally served at this alternate address on March 14, 2021,
17 by licensed process server Tanner Trewet on a separate matter. **Exhibit 1.**

18 **A. Attempted Service of the two Complaints**

19 4. On **May 4, 2021**, the State Bar filed two Complaints against Respondent in both
20 of the above-captioned matters.

21 SCR 79 permanent mailing address:

22 5. Pursuant to SCR 109(1) service of the Complaints was attempted by i) certified
23 mail (OBC20-1208 - #2876) (OBC20-1249 - #2852) and ii) first-class regular mail to
24 Respondent's SCR 79 permanent mailing address on May 4, 2021. **Exhibit 2 & 3.**

25 6. The State Bar's certified mailing envelope packets containing the Complaints to

1 the Respondent's SCR 79 mailing address were returned to on or about June 23, 2021, and
2 June 24, 2021 respectively stamped "06/21/21 RETURN TO SENDER UNABLE TO
3 FORWARD" The certified mailing receipts accompanying the Complaints mailing were
4 unsigned. **Exhibit 4.** The State Bar received no return of the first-class regular mail.

5 Alternate permanent mailing address:

6 7. Service of the two complaints was also attempted by certified mail (OBC20-1208
7 – #2869 & OBC20-1249 - #2845) by mailing a copy of the Complaints to an alternate address
8 identified with the Respondent by "Accurint" on May 4, 2021. **Exhibit 2 & 3.** The State Bar
9 received no return of these documents.

10 Email notice:

11 8. On May 4, 2021, a copy of the two Complaints was directed to the Respondent's
12 SCR 79 current email address and alternate email address. **Exhibit 2 & 3.** The State Bar
13 received no acknowledgement of either email.

14 9. A response to the Complaints was due on or before May 27, 2021, (twenty days
15 plus three days for service by mail).

16 10. The State Bar has received no response from the Respondent to either Complaint.

17 **B. Attempted Service of the Notice of Intent to Proceed on Default Basis**
18 **("NOIPDs")**

19 SCR 79 permanent mailing address:

20 11. On May 26, 2021, the State Bar filed two separate NOIPDs against Respondent
21 for failure to respond to the Complaints in both matters.

22 12. Pursuant to SCR 109(1) service of the two NOIPDs was attempted by i) certified
23 mail (OBC20-1208 - #3154 & OBC20-1249 - #3123) and ii) first-class regular mail to
24 Respondent's SCR 79 address on May 26, 2021. **Exhibit 5 & 6.**

13. The State Bar's certified mailing envelope packets to Respondent's SCR 79 address containing the NOIPDs were returned to it on or about June 21, 2021, respectively stamped "06/20/21 RETURN TO SENDER UNCLAIMED UNABLE TO FORWARD." **Exhibit 7 & 8.** The State Bar received no return of the first-class regular mail.

Alternate permanent mailing address:

14. On May 26, 2021, a copy of the two NOIPDs were also sent certified mail (OBC20-1208 - #3147) (OBC20-1249 - #3116) to the non-disclosed alternate address associated with the Respondent ("Accurint"). **Exhibit 5 & 6.**

15. The State Bar's certified mailing envelope packets sent to Respondent were returned to it on or about June 21, 2021, stamped "06/20/21 RETURN TO SENDER UNCLAIMED UNABLE TO FORWARD." **Exhibit 7 & 8.** The State Bar received no return of the first-class regular mail.

Email notice:

16. On May 26, 2021, notice of the NOIPDs was directed to the Respondent's SCR 79 current email address. **Exhibit 5 & 6.** The State Bar received no acknowledgement of either email.

17. Pursuant to the deadline noticed by the NOIPDs, a response to the Complaint was due on or before June 16, 2021. (Twenty days plus three days for service by mail).

18. The State Bar has received no response from the Respondent to the NOIPDs.

DATED this 3rd day of August 2021.

Sonia Del Rio

Sonia Del Rio, Hearing Paralegal
State Bar of Nevada, Office of Bar Counsel

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CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing
DECLARATION OF SERVICE IN SUPPORT OF ENTRY OF DEFAULT was deposited
via electronic mail to:

1. Nell Christensen, Esq. (Panel Chair): nell.christensen@clarkcountyda.com
2. Kevin Holtman, Esq. (Respondent): kholtman@holtmanlaw.com (SCR 79 Email)
holtmank@gmail.com (Alternate Email)
3. Bruce Hahn (Assistant Bar Counsel): bruceh@nvbar.org

Dated this 3rd day of August 2021.

Sonia Del Rio
Sonia Del Rio, an employee
of the State Bar of Nevada

EXHIBIT 1

EXHIBIT 1



FILED

MAR 18 2021

STATE BAR OF NEVADA
BY: *B. Felix*
OFFICE OF BAR COUNSEL

AFFIDAVIT OF SERVICE

STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD
CLARK COUNTY, STATE OF NEVADA

STATE BAR OF NEVADA,

Complainant

v.

KEVIN DENNIS HOLTMAN, ESQ.,
Nevada Bar No. 11603,

Respondent

Case No.: OBC20-0532

Daniel M. Hooge, Esq. Bar No. 10620

OFFICE OF BAR COUNSEL

3100 W. Charleston 100

Las Vegas, NV 89102

(702) 382-2200

Attorneys for the Complainant

Client File# OBC20-0532

I, Tanner Trewet, being sworn, states: That I am a licensed process server registered in Nevada. I received a copy of the Complaint; Notice Of Intent To Proceed On A Default Basis; Order Appointing Hearing Panel Chair; Notice of Initial Case Conferences; Scheduling Order; Notice of Telephonic Case Conferences; State Bar Of Nevada's Initial Disclosures Of Documents And Witnesses; Order Of Default, from OFFICE OF BAR COUNSEL

That on 3/14/2021 at 2:56 PM at 9920 Woodhouse Drive, Las Vegas, NV 89134 I served Kevin Holtman with the above-listed documents by personally delivering a true and correct copy of the documents by leaving with Kevin Holtman.

That the description of the person actually served is as follows:

Gender: Male, Race: Caucasian, Age: 30's, Height: 5'9", Weight: 200 lbs., Hair: Red, Eyes: Blue

I being duly sworn, states: that all times herein, Affiant was and is over 18 years of age, not a party to or interested in the proceedings in which this Affidavit is made. I declare under penalty of perjury that the foregoing is true and correct.

Date: 3/18/21

Tanner Trewet
Tanner Trewet
Registered Work Card# R- 2019-07712
State of Nevada

(No Notary Per NRS 53.045)

Service Provided for:
Nationwide Legal Nevada, LLC
626 S. 7th Street
Las Vegas, NV 89101
(702) 385-5444
Nevada Lic # 1656



Control #: NV239067
Reference: OBC20-0532

EXHIBIT 2

EXHIBIT 2



FILED

MAY 04 2021

STATE BAR OF NEVADA

BY: B. Jelinek
OFFICE OF BAR COUNSEL

Case Nos.: OBC20-1208

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
KEVIN D. HOLTMAN, ESQ.,)
BAR NO. 11603)
Respondent.)

DECLARATION OF MAILING

Sonia Del Rio, under penalty of perjury, being first and duly sworn, deposes and says as follows:

1. That Declarant is employed with the State Bar of Nevada and, in such capacity, Declarant is Custodian of Records for the Discipline Department of the State Bar of Nevada.
2. That Declarant states that the enclosed documents are true and correct copies of the **COMPLAINT, FIRST DESIGNATION OF HEARING PANEL MEMBERS, and STATE BAR OF NEVADA'S PEREMPTORY CHALLENGES** in the matter of the *State Bar of Nevada vs. Kevin D. Holtman, Esq.*, Case No. OBC20-1208.

1 3. That pursuant to Supreme Court Rule 109, the Complaint, First Designation of
2 Hearing Panel Members, and State Bar of Nevada's Peremptory Challenges
3 were served on the following placing copies in an envelope which was then
4 sealed and postage fully prepaid for regular and certified mail, and deposited
5 in the United States mail at Las Vegas, Nevada on **May 4, 2021**, to:

6 Kevin D. Holtman, Esq.
7 P.O. Box 371929
8 Henderson, Nevada 89137
CERTIFIED MAIL RECEIPT: 7021 0350 0001 7810 2876

9 Kevin D. Holtman, Esq.
10 9920 Woodhouse Drive
Las Vegas, NV 89134
CERTIFIED MAIL RECEIPT: 7021 0350 0001 7810 2869

11 **And via electronic mail on May 4, 2021 to:**

12 Kevin D. Holtman, Esq.: kholtman@holtmanlaw.com (SCR 79 email)
13 holtmank@gmail.com (Alternate email address)

14 I declare under penalty of perjury that the foregoing is true and correct.

15 Dated this 4th day of May, 2021.

16
17 *Sonia Del Rio*

18 _____
Sonia Del Rio, an employee
19 of the State Bar of Nevada
20
21
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EXHIBIT 3

EXHIBIT 3



FILED

MAY 04 2021

STATE BAR OF NEVADA

BY: B. Felix
OFFICE OF BAR COUNSEL

Case Nos.: OBC20-1249

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
KEVIN D. HOLTMAN, ESQ.,)
BAR NO. 11603)
Respondent.)

DECLARATION OF MAILING

Sonia Del Rio, under penalty of perjury, being first and duly sworn, deposes and says as follows:

1. That Declarant is employed with the State Bar of Nevada and, in such capacity, Declarant is Custodian of Records for the Discipline Department of the State Bar of Nevada.
2. That Declarant states that the enclosed documents are true and correct copies of the **COMPLAINT, FIRST DESIGNATION OF HEARING PANEL MEMBERS, and STATE BAR OF NEVADA'S PEREMPTORY CHALLENGES** in the matter of the *State Bar of Nevada vs. Kevin D. Holtman, Esq.*, Case No. OBC20-1249.

1 3. That pursuant to Supreme Court Rule 109, the Complaint, First Designation of
2 Hearing Panel Members, and State Bar of Nevada's Peremptory Challenges
3 were served on the following placing copies in an envelope which was then
4 sealed and postage fully prepaid for regular and certified mail, and deposited
5 in the United States mail at Las Vegas, Nevada on **May 4, 2021**, to:

6 Kevin D. Holtman, Esq.
7 P.O. Box 371929
8 Henderson, Nevada 89137
9 **CERTIFIED MAIL RECEIPT: 7021 0350 0001 7810 2852**

10 Kevin D. Holtman, Esq.
11 9920 Woodhouse Drive
12 Las Vegas, NV 89134
13 **CERTIFIED MAIL RECEIPT: 7021 0350 0001 7810 2845**

14 **And via electronic mail on May 4, 2021 to:**

15 Kevin D. Holtman, Esq.: kholtman@holtmanlaw.com (SCR 79 email)
16 holtmank@gmail.com (Alternate email address)

17 I declare under penalty of perjury that the foregoing is true and correct.

18 Dated this 4th day of May, 2021.

19 *Sonia Del Rio*

20 _____
21 Sonia Del Rio, an employee
22 of the State Bar of Nevada
23
24
25

EXHIBIT 4

EXHIBIT 4

STATE BAR OF NEVADA



3100 W. Charleston Blvd., Suite 100 Las Vegas, NV 89102
www.nbar.org

CERTIFIED MAIL®



7021 0350 0001 7810 2876

RECEIVED BY

JUN 23 2021

STATE BAR OF NEVADA



U.S. POSTAGE® PITNEY BOWES
ZIP 89102 \$ 008.85⁰
02 4W
0000359792 MAY 04 2021

Kevin D. Holtman, Esq.

P.O. Box 371929

Henderson, Nevada 89137

-R-T-S- 891375005-1N

06/21/21

RETURN TO SENDER
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RETURN TO SENDER



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RIGHT: THE TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS LABEL
PLACE THE TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS LABEL

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kevin D. Holtman, Esq.
PO Box 371929
Henderson, NV 89137



9590 9402 6609 1028 8081 09

2. Article Number (Transfer from service label)

7021 0350 0001 7810 2876

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature		<input type="checkbox"/> Agent
X		<input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		

3. Service Type	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

Domestic Return Receipt



FILED

MAY 04 2021

STATE BAR OF NEVADA

BY: B. J. J. J.
OFFICE OF BAR COUNSEL

Case No: OBC20-1208

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
KEVIN DENNIS HOLTMAN, Esq.)
Nevada Bar No. 11603)
)
Respondent.)

COMPLAINT

TO: Kevin Dennis Holtman, Esq.
P.O. Box 371929 Las Vegas, NV 89137
(SCR 79 Permanent Mailing address)

Kevin Dennis Holtman, Esq.
kholtman@holtmanlaw.com
(SCR 79 email address)

Kevin Dennis Holtman, Esq.
9920 Woodhouse Drive, Las Vegas, NV 89134
(Alternate address)

PLEASE TAKE NOTICE that pursuant to Supreme Court Rule ("SCR") 105(2) a
VERIFIED RESPONSE OR ANSWER to this Complaint must be filed with the Office of Bar
Counsel, State Bar of Nevada, 3100 W. Charleston Blvd., Ste. 100, Las Vegas, Nevada, 89102,
within twenty (20) days of service of this Complaint. Procedure regarding service is addressed
in SCR 109.

STATE BAR



3100 W. Charleston Blvd., Suite 100 Las Vegas, NV 89102
www.nbar.org

7021 0350 0001 7810 2852



CHARLES WALK

RECEIVED BY

JUN 24 2021

STATE BAR OF NEVADA

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Kevin D. Holtman, Esq.
PO Box 371929
Henderson, NV 89137



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JUN 28 2021

OFFICE OF BAR COUNSEL

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kevin D. Holtman, Esq.
PO Box 371929
Henderson, NV 89137



9590 9402 6609 1028 8081 16

2. Article Number (Transfer from service label)

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PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?
If YES, enter delivery address below: ☐ Yes
☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt



FILED

MAY 04 2021

STATE BAR OF NEVADA

BY: D. J. [Signature]
OFFICE OF BAR COUNSEL

Case No: OBC20-1249

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
KEVIN DENNIS HOLTMAN, Esq.)
Nevada Bar No. 11603)
)
Respondent.)

COMPLAINT

TO: Kevin Dennis Holtman, Esq.
P.O. Box 371929 Las Vegas, NV 89137
(SCR 79 Permanent Mailing address)

Kevin Dennis Holtman, Esq.
kholtman@holtmanlaw.com
(SCR 79 email address)

Kevin Dennis Holtman, Esq.
9920 Woodhouse Drive, Las Vegas, NV 89134
(Alternative address)

PLEASE TAKE NOTICE that pursuant to Supreme Court Rule ("SCR") 105(2) a VERIFIED RESPONSE OR ANSWER to this Complaint must be filed with the Office of Bar Counsel, State Bar of Nevada, 3100 W. Charleston Blvd., Ste. 100, Las Vegas, Nevada, 89102, within twenty (20) days of service of this Complaint. Procedure regarding service is addressed in SCR 109.

EXHIBIT 5

EXHIBIT 5

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL®



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U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

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Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$ _____
- ☐ Return Receipt (electronic) \$ _____
- ☐ Certified Mail Restricted Delivery \$ _____
- ☐ Adult Signature Required \$ _____
- ☐ Adult Signature Restricted Delivery \$ _____

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Kevin Dennis Holtman, Esq.
Law Office of Kevin D. Holtman
PO Box 371929
Las Vegas, NV 89137

EXHIBIT 6

EXHIBIT 6

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PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

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7020 0640 0002 2671 3123

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

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Extra Services & Fees (check box, add fee as appropriate)

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Kevin Dennis Holtman, Esq.
Law Office of Kevin D. Holtman
PO Box 371929
Las Vegas, NV 89137

ROA Page 064

EXHIBIT 7

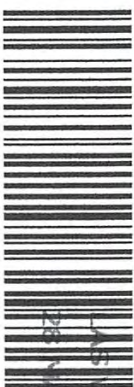
EXHIBIT 7

STATE BAR OF NEVADA



3100 W. Charleston Blvd., Suite 100, Las Vegas, NV 89102
www.nbar.org

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STATE BAR OF NEVADA

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Kevin Dennis Holtman, Esq.
Law Office of Kevin D. Holtman

PO Box 371929
Las Vegas, NV 89137

RECEIVED BY

JUN 24 2021

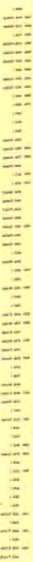
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RETURN TO SENDER
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FILED

MAY 26 2021

STATE BAR OF NEVADA

BY: [Signature]
OFFICE OF BAR COUNSEL

Case No.: OBC20-1208

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

KEVIN DENNIS HOLTMAN, ESQ.,
Nevada Bar No. 11603

Respondent.

**NOTICE OF INTENT TO
PROCEED ON A DEFAULT BASIS**

PLEASE TAKE NOTICE THAT unless the State Bar receives a responsive pleading in the above-captioned matter by June 16, 2021, it will proceed on a default basis and *the charges against you in the Complaint shall be deemed admitted*. Supreme Court Rule 105 (2) states in relevant part:

A copy of the complaint shall be served on the attorney and it shall direct that a verified response or answer be served on bar counsel within 20 days of service . . . In the event the attorney fails to plead, **the charges shall be deemed admitted**; provided, however, that an attorney who fails to respond within the time provided may thereafter obtain permission of the appropriate disciplinary board chair to do so, if failure to file is attributable to mistake, inadvertence, surprise, or excusable neglect. (Emphasis added.)

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EXHIBIT 8

EXHIBIT 8

STATE BAR OF NEVADA

CERTIFIED MAIL



3100 W. Charleston Blvd., Suite 100, Las Vegas, NV 89102

www.nvbar.org



LAS VEGAS NV 890

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STATE BAR OF NEVADA

Kevin Dennis Holtman, Esq.

Law Office of Kevin D. Holtman

PO Box 371929

Las Vegas, NV 89137

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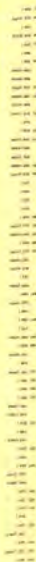
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FILED

MAY 26 2021

STATE BAR OF NEVADA
BY: [Signature]
OFFICE OF BAR COUNSEL

Case No.: OBC20-1249

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,
Complainant,
vs.
KEVIN DENNIS HOLTMAN, ESQ.,
Nevada Bar No. 11603
Respondent.

**NOTICE OF INTENT TO
PROCEED ON A DEFAULT BASIS**

PLEASE TAKE NOTICE THAT unless the State Bar receives a responsive pleading in the above-captioned matter by June 16, 2021, it will proceed on a default basis and *the charges against you in the Complaint shall be deemed admitted*. Supreme Court Rule 105 (2) states in relevant part:

A copy of the complaint shall be served on the attorney and it shall direct that a verified response or answer be served on bar counsel within 20 days of service . . . In the event the attorney fails to plead, **the charges shall be deemed admitted**; provided, however, that an attorney who fails to respond within the time provided may thereafter obtain permission of the appropriate disciplinary board chair to do so, if failure to file is attributable to mistake, inadvertence, surprise, or excusable neglect. (Emphasis added.)

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Case No: OBC20-1208; OBC20-1249



STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
Complainant,)
vs.)
KEVIN DENNIS HOLTMAN, ESQ.)
Nevada Bar No. 11603)
Respondent.)

**NOTICE OF
FORMAL HEARING**

PLEASE TAKE NOTICE that the formal hearing in the above-entitled action has been scheduled for **one day on September 2, 2021, at the hour of 9:00 a.m.**, The hearing will be conducted virtually through **ZOOM video conference**. Due to the lack of appearance from the Respondent, the State Bar of Nevada and the Panel Chair have stipulated to the Formal Hearing date above.

Please be further advised that you are entitled to be represented by counsel, to cross-examine witnesses, and to present evidence.

DATED this 3rd day of August 2021.

STATE BAR OF NEVADA
Daniel M. Hooge, Bar Counsel

Bruce Hahn
By: _____
Bruce C. Hahn, Esq., Assistant Bar Counsel
3100 W. Charleston Blvd., Suite 100
Las Vegas, Nevada 89102
(702) 382-2200
Attorney for State Bar of Nevada

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Kevin Dennis Holtman, Esq.
Law Office of Kevin D. Holtman
PO Box 371929
Las Vegas, NV 89137
SCR 79 Address

Kevin Dennis Holtman, Esq.
9920 Woodhouse Drive
Las Vegas, NV 89134
Alternate Address

1. Nell Christensen, Esq. (Panel Chair): nell.christensen@clarkcountyda.com
2. Adam Garth, Esq. (Panel Member): agarth@me.com
3. Jo Kent McBeath (Panel Lay Member): jkmcbeth@outlook.com
4. Kevin Dennis Holtman, Esq. (Respondent): kholtman@holtmanlaw.com
5. Bruce C. Hahn, Esq. (Assistant Bar Counsel): bruceh@nvbar.org

Sonia Del Rio
Sonia Del Rio, an employee of
the State Bar of Nevada.

1 Case Nos: OBC20-1208 & OBC20-1249



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6 **STATE BAR OF NEVADA**
7 **SOUTHERN NEVADA DISCIPLINARY BOARD**

8 STATE BAR OF NEVADA,)
9)
10 vs. Complainant,)
11 KEVIN DENNIS HOLTMAN, ESQ.,) **STATE BAR OF NEVADA'S**
12 NV Bar No. 11603,) **FINAL DISCLOSURES OF**
13 Respondent.) **DOCUMENTS AND WITNESSES**

14 **PLEASE TAKE NOTICE** that the following is a final list of witnesses and
15 documents which may be offered by the State Bar of Nevada ("State Bar") at the time of
16 the Formal Hearing scheduled for September 2, 2021. The State Bar reserves the right to
17 supplement its disclosures with documents and witnesses, as necessary.

18 **A. Documents**

19 The documents identified below are enclosed with this Disclosure and marked with
20 Bates Numbers SBN Page 001 through SBN Page 132.

21 **OBC20-1208 Disclosure List:**

- 22 1. Grievance & Discovery of Grievant materials, SBN 001 – 011.
23 2. Text Messages between Kern and Holtman, SBN 012 – 017.
24 3. State Farm Correspondence, SBN 018 – 022.

25

1 4. Email chain between Kern and Holtman, dated June 14, 2019- July 15, 2020,
2 SBN 023-032.

3 5. Email ELCO Claims Services, dated July 10, 2020, SBN 033-034.

4 6. Fax sent to Holtman, dated July 1, 2020, SBN 035-036.

5 7. Representation Letter, dated July 15, 2020, SBN 037.

6 8. Letter of Investigation, dated November 13, 2020, SBN 038.

7 9. Letter of Investigation, dated December 3, 2020, SBN 039- 040.

8 **OBC20-1249 Disclosure List:**

9 10. Grievance & Discovery of Grievant materials, SBN 041-042.

10 11. Letter of Investigation, dated December 3, 2020, SBN 043.

11 12. Pleadings from Case A-17-754280-C and A-18-772071-C, SBN 044-127.

12 13. Court Minutes for Case A-18-772071-C, dated February 19, 2019, SBN 128.

13 14. Order Scheduling Status Check, dated May 2, 2019, SBN 129.

14 15. Court Minutes for Case A-18-772071-C, dated July 2, 2019, SBN 130.

15 16. Court Minutes for Case A-18-772071-C, dated February 4, 2020, SBN 131.

16 17. American Access Casualty Company website page, SBN 132.

17 **B. Witnesses**

18 1. Respondent Kevin Dennis Holtman, Esq. may offer testimony about his legal
19 representation of the Grievants John E. Kerns and Bertild Jasmin, the status of his current
20 legal practice his past and present physical and mental health status related to his legal
21 practice, his contact information on file with the State Bar, his business and personal
22 contact location/addresses, his receipt of State Bar correspondence and his lack of replies
23 – should he appear.

24 ///

25 ///

1 2. State Bar employee-investigator Laura Peters may offer testimony about the
2 investigative efforts to locate the Respondent, State Bar contact attempts made to the
3 Respondent.

4 4. Lay witness-grievant John Kern may offer testimony (via simultaneous audio-
5 visual transmission) about his understanding of the Respondent's legal representation of
6 his personal injury matter, his conversations and correspondence with the Respondent,
7 results achieved in the legal representation and expenses he has incurred.

8 5. Lay witness-grievant Bertild Jasmin may offer testimony (via simultaneous
9 audio-visual transmission) about his understanding of the Respondent's legal
10 representation of his personal injury matter, his conversations and correspondence with
11 the Respondent, results achieved in the legal representation and expenses he has incurred.

12 DATED this 3rd day of August 2021.

13
14 **STATE BAR OF NEVADA**
15 DANIEL M. HOOGE, Bar Counsel

16
17 By: *Bruce Hahn*
18 Bruce C. Hahn, Assistant Bar Counsel
19 Nevada Bar No. 5011
20 3100 W. Charleston Blvd., Ste. 100
21 Las Vegas, Nevada 89102
22 (702) 382.2200
23 Attorney for State Bar of Nevada
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CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **STATE BAR OF NEVADA'S FINAL DISCLOSURES OF DOCUMENTS AND WITNESSES** was deposited via electronic mail to:

1. Kevin Holtman, Esq. (Respondent): kholtman@holtmanlaw.com (SCR 79 Email)
holtmank@gmail.com (Alternate Email)
2. Bruce Hahn (Assistant Bar Counsel): bruceh@nvbar.org

Dated this 3rd day of August 2021.

Sonia Del Rio
Sonia Del Rio, an employee
of the State Bar of Nevada

Case Nos: OBC20-1208 & OBC20-1249



STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)	
)	
Complainant,)	
vs.)	
)	
KEVIN DENNIS HOLTMAN, ESQ.,)	
NV Bar No. 11603,)	
)	
Respondent.)	

STATE BAR'S FIRST
SUPPLEMENTAL DISCLOSURES
OF DOCUMENTS AND WITNESSES
FOR FORMAL HEARING

PLEASE TAKE NOTICE that the following is the State Bar's first supplemental list of witnesses and documents which may be offered by the State Bar of Nevada ("State Bar") at the time of the Formal Hearing scheduled for September 2, 2021. The State Bar reserves the right to supplement its disclosures with documents and witnesses, as necessary.

A. Documents

The documents identified below are enclosed with this Disclosure and marked with Bates Numbers SBN Page 001 through SBN Page 132.

OBC20-1208 Disclosure List:

1. Grievance & Discovery of Grievant materials, SBN 001 – 011.
2. Text Messages between Kern and Holtman, SBN 012 – 017.
3. State Farm Correspondence, SBN 018 – 022.

1 4. Email chain between Kern and Holtman, dated June 14, 2019- July 15, 2020,
2 SBN 023-032.

3 5. Email ELCO Claims Services, dated July 10, 2020, SBN 033-034.

4 6. Fax sent to Holtman, dated July 1, 2020, SBN 035-036.

5 7. Representation Letter, dated July 15, 2020, SBN 037.

6 8. Letter of Investigation, dated November 13, 2020, SBN 038.

7 9. Letter of Investigation, dated December 3, 2020, SBN 039- 040.

8 **OBC20-1249 Disclosure List:**

9 10. Grievance & Discovery of Grievant materials, SBN 041-042.

10 11. Letter of Investigation, dated December 3, 2020, SBN 043.

11 12. Pleadings from Case A-17-754280-C and A-18-772071-C, SBN 044-127.

12 13. Court Minutes for Case A-18-772071-C, dated February 19, 2019, SBN 128.

13 14. Order Scheduling Status Check, dated May 2, 2019, SBN 129.

14 15. Court Minutes for Case A-18-772071-C, dated July 2, 2019, SBN 130.

15 16. Court Minutes for Case A-18-772071-C, dated February 4, 2020, SBN 131.

16 17. American Access Casualty Company website page, SBN 132.

17 18. Sworn Statement from John R. Kern, SBN 133-135.

18 **B. Witnesses**

19 1. Respondent Kevin Dennis Holtman, Esq. may offer testimony about his legal
20 representation of the Grievants John E. Kerns and Bertild Jasmin, the status of his current
21 legal practice his past and present physical and mental health status related to his legal
22 practice, his contact information on file with the State Bar, his business and personal
23 contact location/addresses, his receipt of State Bar correspondence and his lack of replies
24 – should he appear.

25 ///

1 ///

2 2. State Bar employee-investigator Laura Peters may offer testimony about the
3 investigative efforts to locate the Respondent, State Bar contact attempts made to the
4 Respondent.

5 4. Lay witness-grievant John Kern may offer testimony (via simultaneous audio-
6 visual transmission) or by his sworn statement dated July 28, 2021, about his
7 understanding of the Respondent's legal representation of his personal injury matter, his
8 conversations and correspondence with the Respondent, results achieved in the legal
9 representation and expenses he has incurred.

10 5. Lay witness-grievant Bertild Jasmin may offer testimony (via simultaneous
11 audio-visual transmission) about his understanding of the Respondent's legal
12 representation of his personal injury matter, his conversations and correspondence with
13 the Respondent, results achieved in the legal representation and expenses he has incurred.

14 DATED this 9th day of August 2021.

15
16 **STATE BAR OF NEVADA**
17 DANIEL M. HOOGE, Bar Counsel

18 By: *Bruce Hahn*
19 _____
20 Bruce C. Hahn, Assistant Bar Counsel
21 Nevada Bar No. 5011
22 3100 W. Charleston Blvd., Ste. 100
23 Las Vegas, Nevada 89102
24 (702) 382.2200
25 Attorney for State Bar of Nevada

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CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **STATE BAR'S FIRST SUPPLEMENTAL DISCLOSURES OF DOCUMENTS AND WITNESSES FOR FORMAL HEARING** was deposited via electronic mail to:

1. Kevin Holtman, Esq. (Respondent): kholtman@holtmanlaw.com (SCR 79 Email)
holtmank@gmail.com (Alternate Email)
2. Bruce Hahn (Assistant Bar Counsel): bruceh@nvbar.org

Dated this 9th day of August 2021.

Sonia Del Rio
Sonia Del Rio, an employee
of the State Bar of Nevada

1 Case Nos: OBC20-1208 & OBC20-1249



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7 **STATE BAR OF NEVADA**
8 **SOUTHERN NEVADA DISCIPLINARY BOARD**

9
10 STATE BAR OF NEVADA,)
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Complainant,

vs.

KENNETH DENNIS HOLTMAN., ESQ.

Bar No. 11603

Respondent.

ORDER OF DEFAULT

15 TO: Kenneth Dennis Holtman, Esq.
16 PO Box 371929
17 Las Vegas, NV 89137
(SCR 79 Permanent mailing)

18 Kevin Dennis Holtman, Esq.
19 9920 Woodhouse Drive
Las Vegas, NV 89134
(Alternate Address)

20 Kevin Dennis Holtman, Esq.
21 kholtman@holtmanlaw.com
(SCR 79 current email)

22 Based upon the State Bar's Motion for Default Entry and supporting Declaration of
23 Service in Support of Entry of Default submitted in the above-captioned matters, the
24 undersigned Hearing Panel Chair hereby makes the following findings of fact and conclusions

of law in support of this entry of DEFAULT against attorney Kevin Dennis Holtman, Esq., Bar Number 11603. (“Respondent”)

FINDINGS OF FACT IN SUPPORT OF DEFAULT

A. Respondent’s SCR 79 Obligation:

1. Respondent is member of the State Bar of Nevada having been licensed in the State of Nevada since October 22, 2008.

2. Nevada Supreme Court Rule (“SCR”) 79(1) requires every member of the State Bar of Nevada to provide the State Bar with a permanent mailing address, permanent telephone number, and a current email address for purposes of State Bar communication with the attorney.

3. The SCR 79 information provided by Respondent and on file with the State Bar as of January 7, 2019, is:

a. Permanent Mailing Address: PO Box 371929 Las Vegas, NV 89137

b. Permanent Telephone Number: 702.569.4789

c. Current Email Address: kholtman@holtmanlaw.com

d. Alternate Email Address: holtmank@gmail.com

e. Alternate Mailing Address: None disclosed

f. “Accurint” Alternate Address: 9920 Woodhouse Drive, Las Vegas,

NV 89134

B. Service of the Complaints

4. The State Bar of Nevada filed two independent Complaints on May 4, 2021.

5. The State Bar sent the Complaints to Respondent via certified US mail (SCR 109(1)) and first-class regular mail to Respondent’s SCR 79 Permanent Mailing Address on May 4, 2021.

6. The State Bar also sent the Complaints by certified mail (SCR109(1)) to the alternate address identified with the Respondent on May 4, 2021.

7. The State Bar also attempted to provide Respondent notice of the Complaints by directing them to his SCR 79 current email and alternate email address.

8. Response was due from Respondent on May 27, 2021 (twenty days plus three days for service by mail).

9. No answer or responsive pleading has been filed by Respondent.

C. Service of the Notices of Intent to Proceed on a Default Basis

10. The State Bar filed two independent Notices of Intent to Proceed on a Default Basis (“NOIPD”) corresponding to the two Complaints above, against Respondent on May 26, 2021.

11. The State Bar sent the two NOIPDs (accompanied by the ‘complaint and First Designation’) via certified US mail (SCR109(1)) and first-class regular mail to Respondent’s SCR 79 Permanent Mailing Address on May 26, 2021.

12. The State Bar also attempted service of the NOIPD via certified US mail (SCR 109(1)) sent to the alternate address identified with the Respondent on May 26, 2021.

13. The State Bar also attempted to provide Respondent notice of the NOIPDs by directing them to his SCR 79 current email.

14. Response was due on June 16, 2021.

15. No Answer or responsive pleading has been filed by Respondent.

CONCLUSIONS OF LAW

1. Rule 109 of the Nevada Supreme Court Rules states that service on a Respondent shall be made as follows

1. Complaint. Service of a complaint under these rules shall be made by personal service by any person authorized in the

manner prescribed by [Nevada Rule of Civil Procedure 4\(c\)](#), or by registered or certified mail at the current address shown in the state bar's records or other last known address.

2. Other papers. Service of other papers or notices required by these rules shall be made in accordance with [Nevada Rule of Civil Procedure 5](#), unless otherwise provided by these rules.

2. The State Bar complied with the service requirements for the two Complaints.

3. In accordance with Disciplinary Rule of Procedure (“DRP”) 14(c) notice of intent to enter default shall be made as follows:

(c) Failure to file verified response or answer. In the event the respondent fails to plead, Bar counsel shall file a Notice of Intent to Proceed on Default Basis. This Notice of Intent shall be served on the respondent with a date to file a verified answer that is twenty (20) days from the date of filing the notice. A copy of the complaint and First Designation shall also accompany the notice of intent. If the Respondent fails to respond after the notice of intent is served, the charges in the complaint shall be deemed admitted...

4. The State Bar complied with the DRP service requirements for the NOIPDs.

5. The State Bar went beyond the requirements to notify Respondent of the pending Complaints and his affirmative obligation to respond thereto.

6. Respondent has failed to respond to the two Complaints.

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ORDER OF DEFAULT

NOW THEREFORE, Respondent having failed to comply with SCR 105(2) by having failed to respond to (i) the Complaint and (ii) the Notice of Intent to Proceed on a Default Basis that were properly served by the State Bar to Respondent’s SCR 79 address(es) of record:

DEFAULT is hereby entered against Respondent and the charges in Complaints OBC20-1208 & OBC20-1249 shall be deemed admitted. SCR 105(2). The Formal Hearing of September 2, 2021, at 9:00 will commence as scheduled for the limited purpose of determining appropriate disciplinary sanctions via simultaneous Audio-Visual transmission (i.e. “Zoom” AV platform), the hosting and ‘link’ to be provided by the State Bar.

IT IS SO ORDERED.
DATED this 9th day of August, 2021.

By: *Nell Christensen*
Nell Christensen, Esq., Hearing Panel Chair
SOUTHERN NEVADA DISCIPLINARY BOARD

Submitted By:
STATE BAR OF NEVADA
DANIEL M. HOOGE, Bar Counsel

By: *Bruce Hahn*
Bruce C. Hahn, Assistant Bar Counsel
Nevada Bar No. 5011
3100 W. Charleston Blvd, Ste. 100
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(702) 382-2200
bruceh@nvbar.org

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Case No: OBC20-1208 & OBC20-1249



FILED

AUG 27 2021

STATE BAR OF NEVADA
BY: [Signature]
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
KEVIN DENNIS HOLTMAN, Esq.)
Bar No. 11603)
)
Respondent.)

ORDER AFTER
PRE-HEARING CONFERENCE

Pursuant to Rule 23 of the Disciplinary Rules of Procedure, the Hearing Panel Chair Nell Christensen, Esq. met via telephone conference with Bruce Hahn, Esq., Assistant Bar Counsel, on behalf of the State Bar of Nevada ("SBN") and SBN Hearing Paralegal Sonia Del Rio on August 19, 2021 at 9:00 am. The Respondent made no appearance and offered no notice of his unavailability to the State Bar or the Chair.

PRE-HEARING CONFERENCE SUMMARY

1. The SBN reported that it is prepared to proceed with the Formal Hearing scheduled for September 2, 2021 at 9:00 am which may include testimony of one of the two Grievants as outlined in SBN disclosures.

2. The SBN reported that personal service was achieved upon the Respondent at a non-SCR 79 address on August 11, 2021 as reported by Nationwide Legal Nevada. That service included the personal delivery of a series of documents upon the Respondent, notifying him of the pleadings in this case to include the Complaint, Scheduling Order (noticing this Pre-

1 Hearing Conference date above and the Formal Hearing date), and the State Bar's Notice of
2 Intent to Proceed on a Default Basis.

3 3. The SBN's oral motion to admit documents "SBN 001 – 135" referenced in its First
4 Supplemental disclosures pleading filed August 9, 2021 is granted. The SBN may publish these
5 documents to the Hearing Panel one week prior to the Formal Hearing.

6 Dated this 27th day of August, 2021.

7
8 **SOUTHERN NEVADA DISCIPLINARY BOARD**

9
10 *Nell Christensen*

11 By: _____
12 Nell Christensen, Esq.
Hearing Panel Chair

13 Submitted by:

14 **STATE BAR OF NEVADA**
Daniel M. Hooge, Bar Counsel

15 *Bruce Hahn*

16
17 By: Bruce Hahn, Asst. Bar Counsel (#5011)
18 3100 W. Charleston Blvd., Suite 100
Las Vegas, NV 89102
19 702.382.2200
Attorney for State Bar of Nevada

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Case No.: OBC20-1208; OBC20-1249



STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

KEVIN HOLTMAN, ESQ.

NV BAR No. 11603

Respondent.

AD HOC ORDER

IT IS HEREBY ORDERED that the following members of the Southern Nevada Disciplinary Board, NELL CHRISTENSEN has been released as panel member, and will be replaced by panel member THOMAS SHEETS. The hearing will be convened on the 2nd day of September, 2021 at 11:00 a.m. via Zoom Video Conferencing.

DATED this 2 day of September, 2021.

STATE BAR OF NEVADA

By: Christopher Lalli
Christopher Lalli, Esq.
Nevada Bar No.5398
Vice-Chair, Southern Nevada Disciplinary Board

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1. Thomas Sheets, Esq. (Panel Chair): tsheetsatty@gmail.com
2. ~~Nell Christensen, Esq. (Panel Chair): nell.christensen@clarkcountyda.com~~
3. Adam Garth, Esq. (Panel Member): agarth@me.com
4. Jo Kent McBeath (Panel LayMember): jkmcbeath@outlook.com
5. Kevin Holtman, Esq. (Respondent): kholtman@holtmanlaw.com (SCR 79 Email)
holtmank@gmail.com (Alternate Email)
6. Bruce Hahn (Assistant Bar Counsel): bruceh@nvbar.org

Sonia Del Rio

Sonia Del Rio, an employee
of the State Bar of Nevada

Case No: OBC20-1208; OBC20-1249



STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant

KEVIN DENNIS HOLTMAN, ESQ.

Bar No. 11603

Respondent.

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
RECOMMENDATION AFTER
FORMAL HEARING

This matter came before a Formal Hearing Panel (“Panel”) of the Southern Nevada Disciplinary Board on September 2, 2021 at 11:02 am. The Panel consisted of Thomas Sheets, Esq. (Chair),¹ Adam Garth, Esq., and lay member Jo Kent McBeath, MD. Assistant Bar Counsel Bruce Hahn, Esq., represented the State Bar of Nevada (“State Bar”). Respondent Kevin Holtman (“Respondent”) did not appear, nor offered notice of his unavailability to the Panel Chairs or the State Bar.²

¹ Panel Chair Sheets replaced Panel Chair Christensen due to medical necessity the morning of September 2, 2021 by Ad Hoc Order issued by Vice-Board Chair Christopher Lalli.

² The Respondent did not appear at 9:00 am as originally scheduled, nor at 11:00 am at hearing commencement. Transcript of Proceeding of September 2, 2021 (“TOP”) 5:1 - 6:5. The Respondent received advance notice of the Formal Hearing date via electronic service to his SCR 79 email address and alternative address on July 7, 2021 as directed by the Panel Chair. Respondent also received personal service of advance notice of the Formal Hearing date by Nationwide Legal Nevada on August 11, 2021. Exhibit 1, page 109. See also, Order after Pre-Hearing Conference filed August 27, 2021.

1 The Panel submits the following Findings of Fact, Conclusions of Law and
2 Recommendation based upon the file pleadings, the testimony received, documentary
3 evidence presented and argument of the State Bar.

4 FINDINGS OF FACT

5 The Panel finds the following:

6 1. The Panel proceeded on a prior finding and order of Default involving two
7 consolidated cases. Order of Default filed August 12, 2021; Scheduling & Case
8 Consolidation Order filed July 7, 2021. OBC20-1208 charged violations of Rules of
9 Professional Conduct ("RPC") 1.3 (Diligence), 1.4 (Communication) and 8.1 (Bar
10 Disciplinary Matters). OBC20-1249 charged violations of RPC 1.3 (Diligence), 1.4
11 (Communication), 3.2 (Expediting Litigation) & 8.1 (Bar Disciplinary Matters). All charges
12 in both complaints were deemed admitted for failure to plead. Id.; TOP 11:16-25.

13 2. Testimony was considered from Grievant Bertild Jasmin (OBC20-1249) and
14 State Bar Paralegal-Investigator Laura Peters ("Peters") as called by the State Bar. TOP
15 22:7 – 35:13; 36:2 – 43:23. A sworn, notarized statement from Grievant John Kern
16 (OBC20-1208) was also received and considered. Exhibit 3, p.133-135.

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1 3. Documentary evidence was admitted, published and considered consisting of
2 Exhibits 1, 2, and 3 along with argument of the State Bar.^{3 4} TOP 6:17 – 10:14; 59:20 –
3 62:12.

4 4. Bertild Jasmin’s salient points of testimony included the following:
5 a. He met the Respondent by referral from his treating physician Dr. Lam at
6 his office while treating for injuries from a motor vehicle collision. TOP
7 24:3 - 28:16.
8 b. The Respondent did not appear on the Grievant’s behalf at an arbitration
9 on the disputed vehicle collision facts, but the result nonetheless was in
10 the Grievant’s favor. 31:6-18. Soon after, the Respondent was not
11 returning Grievant Jasmin’s phone calls. TOP 31:19 - 32:19. The
12 Respondent stated he would file a motion to withdraw from
13 representation after a dispute arose. TOP 33:5-19. The only
14 compensation the Grievant received was for property damage from his
15 own insurance carrier. TOP 33:23 – 34:14.

16 5. Ms. Peters’s salient points of testimony included the following:
17 a. State Bar Paralegal-Investigator Peters has served with the State Bar for
18 about 14 years and personally investigated the two grievances in this

19 ³ Exhibit 1 – “Hearing Packet” (SBN Exhibit 1, pages 001-109) consisted of: i) Complaint OBC20-1208 (001-
20 005); ii) Designation of Hearing Panel Members (006-010); iii) Declaration of Mailing (011-012); iv)
21 Complaint OBC20-1249 (013-018); v) Designation of Hearing Panel Members (019-023); vi) Declaration of
22 Mailing (024-025); vii) OBC20-1208 Notice of Intent to Proceed on a Default Basis with Complaint (026-
23 033); viii) Notice of Intent to Proceed on a Default Basis with Complaint (034-042); ix) Order appointing
24 Hearing Panel Chair (043-044); x) Notice of Telephonic Conference (045-046); xi) Scheduling & Case
25 Consolidation Order (047-050); xii) State Bar’s Initial Disclosures (051-055); xiii) Order appointing Formal
Hearing Panel (056-057); xiv) Declaration of Service in support of entry of Default with 8 exhibits (058-087);
xv) Motion for Default Entry (088-092); xvi) Notice of Formal Hearing (093-094); xvii) State Bar’s Final
Disclosures (095-098); xviii) State Bar’s First Supp. Disclosures (099-102); xix) Order of Default (103-108);
xx) Affidavit of [Personal] Service (109). TOP 4:5-6.

⁴ Exhibit 2 – “Affidavit of Prior Discipline.” Exhibit 3 (“Group of Exhibits” 001-135) is a compilation: i)
Grievant Kern’s complaining documents (001-037); ii) State Bar letters to Respondent (038-040); iii)
Grievant Jasmin’s complaining documents (041-042); iv) Jasmin’s file (044-132); v) Kern’s sworn statement
(133-135).

1 consolidated matter. TOP 36:9 – 37:2. Ms. Peters attempted to contact
2 the Respondent concerning these two grievances but received no
3 response. TOP 38:1-21. Ms. Peters sought contact with the Respondent
4 at an alternative physical address and phone address with no return
5 contact. TOP 38:22 – 40:18.

6 b. Investigator Peters online investigation with the Eighth Judicial District
7 Court’s website revealed a responsive pleading that the Grievant’s carrier
8 filed on his behalf, along with a Complaint filed by the Respondent on the
9 Grievant’s behalf. TOP 40:19 – 41:12. The Respondent never withdrew as
10 counsel, never sought a default for the Grievant and ultimately the court
11 administratively closed the case. TOP 41:7-18. The Respondent had
12 previously represented to the court he would seek a default on behalf of
13 the Grievant. TOP 41:19 – 42:23.

14 6. The Respondent’s mental state in committing the seven professional rule
15 violations here is Intentionally. TOP 75:3-18; 78:4-12.

16 7. The Respondent’s conduct in committing the professional rule violations
17 here caused Injury, Actual and Potential. TOP 79:1 – 80:12.

18 8. The sanction baseline here is Suspension under ABA Annotated Standards
19 for Imposing Lawyer Sanctions (2nd Ed. 2019) (“Standard”). Standard 4.42 (Lack of
20 Diligence) applies to RPC violations 1.3, 1.4 and 3.2(a) for both complaints. Standard 7.2
21 (Duties Owed as a Professional) applies to RPC violation 8.1 for both complaints. TOP
22 75:22 – 77:12; 55:15 – 58:2.⁵

23 9. Aggravating circumstances here are: Pattern of Misconduct; Multiple
24

25 ⁵ The Panel recommended that the two-year and a day suspension recommendation be treated as aggregate between the two complaints. TOP 74:14-16.

1 offenses; Bad faith obstruction by intentionally failing to Comply with Rules or Orders;
2 Vulnerability of victim (OBC20-1249-Jasmin only) and Substantial experience in legal
3 practice. SCR 102.5(1)(c), 102.5(1)(d), 102.5(1)(e), 102.5(1)(h), 102.5(1)(i). TOP 75:3-
4 76:17; 77:14 - 78:17.

5 10. Mitigating circumstance here is absence of a prior disciplinary record.⁶ SCR
6 102.5(2)(a). TOP 75:19-21.

7 CONCLUSIONS OF LAW

8 Based upon the foregoing Findings of Fact, the Panel hereby issues the following
9 Conclusions of Law:

10 1. The Southern Nevada Disciplinary Board has jurisdiction over Petitioner and
11 the subject matter of these proceedings. Nevada Supreme Court Rules (“SCR”) 99.

12 2. Venue is proper in Clark County, Nevada. State Bar consent and
13 Respondent default.

14 3. Respondent was practicing law in the State of Nevada since 2009. Ex.2; TOP
15 59:10-14; 60:14-17.

16 4. The State Bar must prove by clear and convincing evidence that Respondent
17 violated any Rules of Professional Conduct. SCR 105(2)(f). *In re Stuhff*, 108 Nev. 629,
18 633-634, 837 P.2d 853, 856 (1992); *Gentile v. State Bar*, 106 Nev. 60, 62, 787 P.2d 386,
19 387 (1990).

20 5. Charges are deemed admitted if default is taken when an attorney fails to
21 plead. SCR 105(2).

22 6. Default was properly taken in this consolidated matter. The seven profess-
23

24 ⁶ The Panel was advised that the Respondent had a discipline recommendation pending before the Supreme
25 Court. TOP 61:22 – 62:12. The Panel asked specific follow-up questions. TOP 63:21 – 69:24. The Panel
affirmatively elected to make no recommendation of consecutive or concurrent discipline to the pending
matter. TOP 74:16 – 75:1; 80:13 – 81:5.

1 sional rule violations involving RPC 1.3 (Diligence), 1.4 (Communication), 3.2 (Expediting
2 Litigation) and 8.1 (Bar Disciplinary Matters) are deemed admitted. Order of Default filed
3 August 12, 2021.

4 **RECOMMENDATION**

5 Based upon the foregoing Findings of Fact and Conclusions of Law, the Panel
6 unanimously hereby recommends that:

7 1. Respondent be suspended from the practice of law for a period of two years
8 and one day. TOP 75:21 – 76:6; 80:13 – 81:10.

9 2. Respondent pass the Nevada Bar Examination and the Multi-State
10 Professional Responsibility Examination prior to petitioning for reinstatement to practice
11 law. TOP 75:22 – 77:12.

12 3. Respondent to pay the Formal Hearing costs of \$2,500 pursuant to
13 SCR120(5) and “hard costs” of the proceeding to include the reporter’s appearance fee and
14 transcript expense within 30 days of the Supreme Court’s order addressing the Formal
15 Hearing Panel’s recommendation here. TOP 81:11-20.

16 **DATED** this 13 day of October 2021.

17
18 *Thomas R. Sheets*

Thomas R. Sheets (Oct 13, 2021 08:59 HST)

19 **THOMAS R. SHEETS, ESQ.**

Hearing Panel Chair

20 Southern Nevada Disciplinary Panel
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CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION AFTER FORMAL HEARING** was deposited via electronic mail to:

1. Thomas Sheets, Esq. (Panel Chair): tsheetsatty@gmail.com
2. Kevin Holtman, Esq. (Respondent): kholtman@holtmanlaw.com (SCR 79 Email)
holtmank@gmail.com (Alternate Email)
3. Bruce Hahn (Assistant Bar Counsel): bruceh@nvbar.org

Dated this 13th day of October 2021.

Sonia Del Rio

Sonia Del Rio, an employee
of the State Bar of Nevada



FILED

NOV 12 2021

STATE BAR OF NEVADA
BY 
OFFICE OF BAR COUNSEL

Case No.: OBC20-1208; OBC20-1249

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
KEVIN DENNIS HOLTMAN, ESQ.,)
NV Bar No. 11603)
)
Respondent.)

STATE BAR OF NEVADA'S
MEMORANDUM OF COSTS

Description	Amount
Court Reporter Fee & Transcript Fee Hearing Held on September 2, 2021	\$792.50
Nation Wide Legal Services Invoice # 32813	\$97.50
SCR 120	\$2,500.00
Certified Mail Costs (5 x \$6.78)	\$33.90
TOTAL	\$3,423.90

1. The costs set forth above are true and correct to the best of my knowledge and belief and were necessary and reasonably incurred and paid in connection with this matter. True and correct copies of invoices supporting these costs are attached to this Memorandum of Costs.

1 2. As stated in the Findings of Fact, Conclusions of Law and Recommendation,
2 Respondent shall be ordered to pay the fees and costs of these proceedings within thirty (30)
3 days of the Supreme Court Order in this matter pursuant to Supreme Court Rule 120(1).

4 Dated this 12 day of November 2021.

5 **STATE BAR OF NEVADA**
6 Daniel M. Hooge, Bar Counsel

7 *Bruce Hahn*

8 By: _____
9 Bruce C. Hahn, Assistant Bar Counsel
10 3100 W. Charleston Boulevard, Ste. 100
11 Las Vegas, Nevada 89102
12 Attorney for State Bar of Nevada

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Integrity Court Reporting
7835 S. Rainbow Boulevard
Suite 4-25
Las Vegas, NV 89139
(702)509-3121

Invoice

Number: 1839

Date: 9/10/2021

Bill To:

Louise Watson
State Bar of Nevada
3100 W. Charleston Boulevard
Suite 100
Las Vegas, NV, 89102

PAYMENT DUE UPON RECEIPT

Job Date	Witness Name	Case Name	Case No.
9-2-21	Kevin Holtman	State Bar v Holtman	OBC20-1208 & OBC20-12

Description	Amount
Half Day Appearance Fee	\$100.00
Wait Time - 2 Hours @ \$35	\$70.00
Transcript - 83 Pages @ 7.50	\$622.50

Tax I.D. No. 01-0974768

Total

\$792.50

Received On: _____

Received By: _____



INVOICE

T (213) 249-9999 | F (213) 249-9990

Invoice No.	Customer No.
00000032813	21191
INVOICE DATE:	Total Due
8/15/2021	\$ 277.50

PLEASE MAKE REMITTANCE TO:

Attention: Accounts Payable
OFFICE OF BAR COUNSEL
3100 W. Charleston, # 100
Las Vegas, NV 89102
T (702) 382-2200

Nationwide Legal, LLC
1609 James M Wood Blvd.
Los Angeles, CA 90015
TAX ID # 20-8284527

Customer No.	Invoice No.	Period Ending	Amount Due	Page
21191	00000032813	8/15/2021	\$ 277.50	1

Date	Order No	Service Detail	Charges	Units	Total
8/9/2021 NV245680 030 - STANDARD PROCESS (48		STATE BAR OF NEVADA 3100 W. Charleston 100 Las Vegas, NV 89102 Caller: Sonia Del Rio Case Title: STATE BAR OF NEVADA, vs. KEVIN Docs: Deliver Documents;; Attorney Name: Bruce C Hahn Esq.,	Kevin D. Holtman, Esq. 9920 Woodhouse Drive Las Vegas, NV 89134 Case Number: OBC20-1208 Client/Matter: OBC20-1208 Description: Please serve Respondent with attached pleadings. We will need an Affidavit of Service of Due Diligence upon completion. Base Charge : PDF Page Count (Up to 200 pgs) : Total: Total Charges for Ref. - OBC20-1208:		\$ 60.00 \$ 37.50 \$ 97.50 \$ 97.50

INVOICE PAYMENT DUE UPON RECEIPT

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **RECORD ON APPEAL** was placed in a sealed envelope and sent by U.S. certified mail in Las Vegas, Nevada, postage fully prepaid thereon for certified mail addressed to:

Kevin Dennis Holtman, Esq.
Law Office of Kevin D. Holtman
P.O. Box 371929
Las Vegas, NV 89137
SCR 79 Address
CERTIFIED MAIL RECEIPT NO. 7020 1810 0002 0425 2013

And:

Kevin Dennis Holtman, Esq.
9920 Woodhouse Drive
Las Vegas, NV 89134
Alternate Address
CERTIFIED MAIL RECEIPT NO. 7020 1810 0002 0425 2020

DATED this 12th day of November 2021.

Sonia Del Rio

Sonia Del Rio, an Employee
of the State Bar of Nevada

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3 IN RE: DISCIPLINE OF
4 KEVIN D. HOLTMAN, ESQ.
5 NEVADA BAR NO. 11603
6 _____

Case No. _____

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11 **VOLUME II**

12
13 **RECORD OF DISCIPLINARY PROCEEDINGS,**
14 **PLEADINGS AND TRANSCRIPT OF HEARING**

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19
20 Bruce C. Hahn, Esq.
21 Nevada Bar No. 5011
22 State Bar of Nevada
23 3100 W. Charleston Blvd., Ste. 100
24 Las Vegas, NV 89102
25 Counsel for the State Bar of Nevada

Kevin D. Holtman, Esq.
Nevada Bar No. 11603
P.O. Box 371929
Las Vegas, NV 89137
Respondent

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8	State Bar's Exhibit 1- Hearing Packet and Group of Exhibits	ROA Page 201-446	II
9	State Bar's Exhibit 2- Affidavit of Prior Discipline	ROA Page 447	II

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STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA)
) Case No.
Complainant,) OBC20-1208
) OBC20-1249
vs.)
)
KEVIN D. HOLTMAN, ESQ.,)
Nevada Bar No. 11603)
)
Respondent.)
_____)



FORMAL HEARING OF KEVIN D. HOLTMAN, ESQ.

Taken at the State Bar of Nevada Via Zoom Videoconference
3100 W. Charleston Boulevard, Suite 100
Las Vegas, Nevada

On Thursday, September 2, 2021
At 11:02 a.m.

Reported by: Deborah Ann Hines, CCR #473, RPR

Appearances (via Zoom videoconference):

Commission Panel:

THOMAS SHEETS, ESQ.
Panel Chairman

ADAM GARTH, ESQ.
Panel Member

JO KENT MCBEATH
Laymember

For the Complainant:

BRUCE HAHN, ESQ.
Assistant Bar Counsel
State Bar of Nevada
3100 W. Charleston Boulevard
Suite 100
Las Vegas, NV 89102
(702) 382-2200

For the Respondent:

(None)

Also Present:

SONIA DEL RIO
Hearing Paralegal

WILLIAM HANAGAMI
Observer

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I N D E X

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Direct Examination By Mr. Hahn	22
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NUMBER	DESCRIPTION	PAGE
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1	Hearing Packet & Group of Exhibits	
	Bates Stamped 001-135	10
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1 CHAIRMAN SHEETS: It's 11:02. Kevin Holtman
2 is not on the line. Just to -- okay, recording in
3 progress. I've got to make this go away.

4 And good morning, Debbie. How are you this
5 morning, our court reporter.

6 All right. So this is the time and place
7 set by the State Bar of Nevada for the Southern
8 Nevada Disciplinary Board hearing. And the case is
9 State Bar of Nevada, complainant, versus Kevin Dennis
10 Holtman, respondent. Mr. Holtman's Nevada Bar Number
11 is 11603. The Case Numbers in which we're involved
12 are OBC20-1208 and OBC20-1249. My name is Thom
13 Sheets, I'm the Chairman of the panel today. My
14 State Bar Number is 779.

15 Adam?

16 COMMISSIONER GARTH: Adam Garth. I'm one of
17 the panel members, Bar Number 15045.

18 CHAIRMAN SHEETS: And Jo?

19 COMMISSIONER MCBEATH: J.K. McBeath. I'm a
20 retired physician. I'm...

21 CHAIRMAN SHEETS: Okay. Thank you.
22 Appearances please for the State Bar.

23 MR. HAHN: Good afternoon, panel. Again
24 thank you for your patience today. Bruce Hahn on
25 behalf of the State Bar, Bar Number 5011.

1 CHAIRMAN SHEETS: All right. And we also
2 have Sonia Del Rio with us, right?

3 All right. So with that are there any
4 preliminaries that we should look into, Mr. Hahn?

5 MR. HAHN: Chair, thank you. Again, Bruce
6 Hahn on behalf of the Bar. I would have a couple of
7 preliminary matters. First of all, I would like an
8 affirmation from Miss Del Rio, if she may, that she
9 checked in at 9:00 a.m. this morning and there was no
10 appearance by the respondent, Mr. Holtman. So if I
11 could have that affirmation one way or another,
12 Miss Del Rio.

13 MS. DEL RIO: Yes, Mr. Hahn, I logged in at
14 9:00 a.m. to our Zoom hearing and have been on since
15 then, and Mr. Holtman has not appeared.

16 MR. HAHN: Very well. That's the first
17 preliminary matter, Mr. Chair. Second preliminary
18 matter is is that I would like to have the record
19 affirm that there should be two series of documents
20 or packets that have been provided to the panel,
21 based on Chair Christensen, former Chair
22 Christensen's oral order and then her written order.
23 And what those documents are are Exhibit 1, which we
24 commonly refer our hearing packet, which is basically
25 all the pleadings.

1 The second document is sort of a loose leaf
2 group of exhibits, which should be Bates stamped 001
3 through 135. So that's the second preliminary
4 matter, Mr. Chair. I'd ask that the record simply
5 reflect and you affirm that they have been admitted
6 and published for purposes of advance hearing for
7 today.

8 CHAIRMAN SHEETS: Okay. Adam and Jo, have
9 you seen those documents?

10 COMMISSIONER GARTH: I've gotten the -- I've
11 gotten the first packet, which was 111 pages. The
12 other I think had some kind of a Google link that
13 wouldn't let me get in it, said that I wasn't able to
14 do it.

15 So, Sonia, if you can -- do you have a PDF
16 of that?

17 MS. DEL RIO: Let me go -- let me go ahead
18 and try to get you a PDF link for it.

19 COMMISSIONER GARTH: Because if it's similar
20 to what I've already read, you know, without the
21 Bates stamping from what Mr. Hahn provided as part of
22 that 111 page thing, I don't need you to go through
23 the thing, I got the import of everything.

24 Is that basically, Bruce, basically a
25 repetition of the other stuff? I mean, the letters

1 and the text messages and so on, that's what's
2 basically being provided in that?

3 MR. HAHN: In a manner of speaking,
4 Mr. Garth, yes. I can simply summarize for our
5 record right now. The loose leaf exhibits, which is
6 001 through 135, they reflect a series of five
7 collections or documents. 1 through 037 is Mr. John
8 Kern's complaining documents. He's grievant number
9 one.

10 COMMISSIONER GARTH: Uh-huh.

11 MR. HAHN: The second group of documents is
12 038 through 040, which is the State Bar's written
13 letters to the respondent, which have been all
14 unacknowledged.

15 The third group is 041 through 042, which is
16 the second grievance complaining documents. That's
17 Mr. Bertild Jasmin. He's not as sophisticated as
18 Mr. Kern. You may hear from him today.

19 The second group of documents is 044 through
20 132. These are documents that essentially support
21 that Mr. Jasmin had a meaningful claim.

22 And then the last group of documents is 135
23 through -- I'm sorry, 133 through 135, and this is a
24 sworn and notarized affidavit by grievant number one,
25 John Kern, because he was not able to be here today.

1 So that's the -- that's the sum of all of
2 the documents in the loose leaf group of exhibits,
3 Mr. Garth.

4 COMMISSIONER GARTH: Okay. I mean, I can
5 take your representation as to the contents of those
6 personally, if Sonia is able to get me a PDF of it,
7 if you're having to be referring to something, great.
8 If not, I can assume your reputation -- your
9 representation is, you know, would be satisfactory to
10 me.

11 MR. HAHN: Very well. Thank you, Mr. Garth;
12 however, I would like Ms. Del Rio to make those
13 available to any -- at any request of the panel
14 members, including Mr. Garth, who's requested so now.
15 So with that, Mr. Chair.

16 COMMISSIONER MCBEATH: I have --

17 CHAIRMAN SHEETS: Wait a minute. I want
18 to --

19 MR. HAHN: Oh, please.

20 CHAIRMAN SHEETS: Jo Kent, have you seen the
21 documents?

22 COMMISSIONER MCBEATH: I received both. In
23 the second there is a lengthy district court thing
24 that included an arbitrator's decisions and opinions
25 regarding all this, so that was not included in the

1 other packet.

2 CHAIRMAN SHEETS: Yes. Okay. So what
3 you've asked me to do then, Mr. Hahn, is to simply
4 acknowledge that these have been received by the
5 panel members and published and admit them into
6 evidence; is that right?

7 MR. HAHN: That's correct. That's the first
8 preliminary matter, Chair. Yes.

9 CHAIRMAN SHEETS: Okay. So I take it
10 there's no objection? Okay, they're admitted.

11 COMMISSIONER GARTH: No objection.

12 COMMISSIONER MCBEATH: No. No objection.

13 CHAIRMAN SHEETS: We'll admit the documents.
14 Thanks.

15 (Thereupon Complainant's Exhibit
16 1 was admitted into evidence.)

17 CHAIRMAN SHEETS: Okay. Next, sir.

18 MR. HAHN: The next matter is is that at the
19 conclusion today, gentlemen of the panel, I'll be
20 moving to admit Exhibit 2, which you have not yet
21 received, and that is an affidavit of prior
22 discipline. So I will be providing that to you at
23 the end of the presentation, I'll be moving it into
24 evidence. And because of some unique circumstances,
25 I'll need to supplement that with a very brief oral

1 offer of proof as to some of the background of
2 Exhibit 2. That's the last preliminary matter,
3 Chair. Thank you.

4 CHAIRMAN SHEETS: All right. Good. Anybody
5 else have anything to bring up before we get on with
6 this?

7 COMMISSIONER GARTH: Nothing.

8 CHAIRMAN SHEETS: If not, Mr. Hahn.

9 MR. HAHN: Very well. All right. If it
10 please the panel, good morning, Bruce Hahn on behalf
11 of the State Bar again. Thank you for these unusual
12 circumstances and being available.

13 What I'd like to do is just sort of offer a
14 roadmap of where I'm going to go in this abbreviated
15 hearing today just to give you a sketch of what you
16 can expect. You've kind of heard the idiom, you
17 know, you've got to separate the apples from the
18 oranges. Well, here the apples are already decided.
19 The apples are the legal guilt and the factual guilt,
20 basically the truth of the charges, those have
21 already been deemed admitted, because he's failed to
22 plead.

23 And you will notice from Exhibit 1, which is
24 the hearing packet, you'll see that Chair Christensen
25 made a ruling on that. And the Supreme Court has

1 said that's appropriate when folks just refuse to
2 plead. That's okay, we can't make them plead, so the
3 factual allegations are deemed admitted. So you're
4 going to be dealing merely with the oranges today,
5 and the oranges are going to be, you know, is Bruce
6 going to go -- isn't going to be going into detail to
7 prove all of this, he's simply going to be pointing
8 out the basic facts and circumstances for you
9 gentlemen to make a determination about what the
10 appropriate professional consequences will be.

11 So that's my -- that's my idiom analogy for
12 where we're going to go. What I wanted to do now is
13 give you a very brief overview, an aerial view of our
14 two cases. We have two cases that have been
15 consolidated by Chair Christensen. One is involving
16 a Mr. John Kern, the other is involving an individual
17 by the name of Bertild Jasmin.

18 Both of them are PI cases. Both of them
19 were represented by Mr. Holtman. Both of them
20 occurred roughly during the same time period. And
21 both of them involve substantially the same type of
22 allegations of professional misconduct: 1.3, 1.4,
23 3.2, and then of course not responding to the Bar,
24 which is 8.1. So there's substantial similarity, and
25 I'll submit to you, gentlemen, that's why Chair

1 Christensen joined them, because they all occurred
2 roughly at the same time. Different levels of
3 sophistication involving the grievants, but we'll go
4 into that shortly.

5 So with regard to the very first matter
6 involving Mr. John Kern, it's 8.1, which is not
7 bothering to respond to the Bar; 1.3, which is
8 diligence; and 1.4A, which is communication. The
9 span of time involving the Bar disciplinary matters
10 is November into December of 2020. For diligence the
11 span of time is basically 11 months. It's from June
12 of 2019 to June of 2020. And for the third charge
13 involving Mr. Kern, it's failing to communicate with
14 Mr. Kern, and that was basically a period of six
15 months. There was ten attempts. There were seven
16 text messages and three phone calls, and those were
17 between January of 2020 and June of 2020.

18 And the gravamen, gentlemen, of those three
19 charges is that, number one, Mr. Holtman, he ignored
20 the Bar's two written requests over two months' time,
21 just didn't respond. The gravamen involving Mr. Kern
22 was is that he failed, not Mr. Kern obviously, he's
23 the consumer, but the lawyer, Mr. Holtman, he failed
24 to identify the proper insurance carrier in a very
25 simple rear-end collision where Mr. Kern was on his

1 motorcycle and gets clocked from behind. And despite
2 Mr. Holtman's, or rather Mr. Kern's sophistication
3 and encouraging him to sort all this out when there
4 was a police report that spelled out everybody's
5 role, Mr. Holtman didn't bother.

6 And then lastly involving Mr. Kern, the
7 gravamen of the communication is is that there was
8 ten requests for communication over six months, and
9 Mr. Holtman didn't respond. Ultimately Mr. Holtman
10 did because he was fired and he returned his client
11 file; and then when Mr. Kern began to examine his
12 client file, he saw a number of irregularities and
13 that's what brought the grievance to the State Bar.
14 So that is the overview involving Mr. Kern in 1208.

15 Now I'm going to move to the other bookend.
16 This is 1249 involving Mr. Jasmin Bertild --
17 Mr. Bertild Jasmin. What we have here is we have
18 four charges, but there's an overlap with charge
19 four, which is expediting litigation with diligence.
20 So there's kind of a crossover between Count 2 and
21 Count 4.

22 But with regard to Mr. Jasmin in 1249 is
23 that 8.1, Mr. Holtman not responding to the Bar.
24 Basically that occurred over three months: January
25 of 2020 through February of 2021, so a three-month

1 span of time. Count 2, which is the diligence, the
2 1.3 involving Mr. Jasmin, that was after February 4
3 of 2020 basically up 'til today, and that was just
4 not bothering to withdraw as counsel, not bothering
5 to seek default, like he told the judge he would do
6 before Clark County. And again those are all
7 documents that, you know, Dr. McBeath had referred to
8 earlier in hearing packet 1, and we'll talk about that.

9 1.4A, which is communication, that was an
10 11-month window of time, and that was basically
11 Mr. Holtman not bothering to respond to Mr. Bertild's
12 mostly phone calls. And that was from after January
13 of 2019 up until about February of 2020.

14 Now, the last count involving Mr. Jasmin is
15 3.2, and that's expediting litigation, and there's a
16 substantial overlap with diligence. So just in
17 fairness to Mr. Holtman, so everyone knows, that
18 involves after January of 2020. And again he didn't
19 withdrawn as counsel, he didn't seek a default
20 judgment like he told the court he was going to, he
21 just abandoned and walked away from Mr. Jasmin's
22 case. So that is the overview involving our second
23 case, 1249 involving Mr. Jasmin. So that is the
24 sketch of the two cases, gentlemen.

25 Now what I want to do is I want to give you,

1 as part of my opening, sort of a very quick summary
2 of what's the relevance of the documents that I gave
3 you, why did I bother you with over a hundred pages
4 on the hearing packet and a hundred and some odd
5 pages in the loose leafs. So this is the relevance,
6 gentlemen, and then you may get some brief testimony
7 today. Again I won't be demonstrating the truth of
8 the charges, those are already deemed admitted, but
9 rather the harm, okay.

10 So with regard to the document relevance, I
11 just pointed out for our record in response to panel
12 member Garth's question of what the loose leaf
13 exhibits were, why were they there, and basically it
14 was to demonstrate the good faith of the Bar's
15 charges. There's some substance behind them, and I
16 sort of identified those for you in five sections.

17 There's a couple of other summaries that I
18 want to offer. With regard to Exhibit 1, that's the
19 hearing packet, that's the pleadings from both cases.
20 Miss Del Rio, upon Chair Christensen's order,
21 combined the two, that's why it's somewhat confusing,
22 but we did try and break them out into two blocks for
23 you so you can understand.

24 Exhibit 2, that's an affidavit of prior
25 discipline with an offer of proof, and I'm going to

1 offer that to you, but what you gentlemen basically
2 need to know is whatever discipline you mete out
3 today, you should know that there is no record of
4 public discipline officially. However, there is a
5 matter that has been pending before our Nevada
6 Supreme Court that they have -- that a panel has
7 previously considered and recommended substantial
8 discipline involving Mr. Holtman.

9 So I will get to that when you direct me to
10 at the end, but there's something hanging, so I don't
11 want to say that there's -- there is officially no
12 public discipline. There is a recommendation by a
13 panel to our Nevada Supreme Court that just went up
14 on record of appeal in, I believe it was June 2nd of
15 2021. So having said that, that is sort of the
16 relevance of our documents.

17 In terms of the testimony, you've already
18 received a sworn statement from Mr. John Kern. That
19 was at the very end of the loose leaf packet where
20 basically he just points out, hey, as a consumer this
21 is what happened to me, and boy was I lucky to get my
22 file back, according to the folks at Sam & Ash. This
23 is -- there's been problems in the past. He couldn't
24 be here today, so I asked him to submit a sworn,
25 notarized affidavit for you to consider. So he

1 apologizes for not able to be here.

2 I do anticipate some brief testimony from
3 Mr. Jasmin. Mr. Jasmin, English is not his first
4 language. It will be -- it will be a little bit of a
5 challenge perhaps, but I will try to ask him some
6 brief questions. But what I anticipate you gentlemen
7 will hear is is that Mr. Jasmin doesn't know what the
8 status of his case is. He's hoping he can revive his
9 case, and he's heard really nothing. He's not even
10 able to drive. He was a driver before in Las Vegas,
11 and he believes that because of his back injury, he's
12 been compromised from being able to do that, and he's
13 received no compensation from his case.

14 The last person that I anticipate you may
15 receive some brief testimony on is Miss Laura Peters.
16 Miss Laura Peters is an investigator, a paralegal for
17 the State Bar, and what she's essentially going to do
18 is point out that she's examined the cases, she sent
19 out these letters. Miss Peters was also involved in
20 the prior case that is on record on appeal to the
21 Supreme Court. So she didn't put, you know, she
22 didn't send out 15 letters like we usually do in this
23 case. That's why she only sent two or three.

24 But she's also going to demonstrate to you
25 that according to her web research, Mr. Jasmin's case

1 has been administratively closed by the court. There
2 was no withdrawal of counsel. There was no seeking
3 of default, as Mr. Holtman told the court. He just
4 abandoned it. That's the purpose of Miss Peters'
5 testimony today. And I offer all these as offer of
6 proof, and of course we'll yield these witnesses to
7 any questions that you may have. So that is the
8 evidence sketch, gentlemen.

9 The last portion of my opening is is I just
10 want to tell you what I'm going to be recommending
11 that you consider with regard to discipline in this
12 case. Again the factual allegations, they're already
13 legally conclusive, they're deemed admitted, so what
14 consequences should flow. And I'll be asking you to
15 make individualized findings involving Mr. Kern's
16 case and then Mr. Bertild's case, Mr. Bertild
17 Jasmin's case.

18 And because we have Mr. Kern, in his matter
19 we have two classes of violations: 8.1 basically
20 where people don't respond to the Bar, that's kind of
21 duties owed as a professional. And our ABA
22 guidelines that we have for lawyer sanctions, they
23 treat that as one separate class for discipline, when
24 you, when you refuse to participate in the process.
25 But then the other matters involving Mr. Kern, which

1 is the diligence and the communication, that's a
2 separate type of class for discipline purposes, and
3 that's duties owed to a client.

4 So I'll be asking you to make individualized
5 findings as to the mental state for each of the
6 charges, in addition to the injury. Was there actual
7 injury, was it serious. If it was, was it minor, was
8 it zero, or was there potential injury. So I will be
9 going through that when we get to my closing
10 involving Mr. Kern, and I'm going to do the same
11 thing involving Mr. Jasmin.

12 And then between the two, the decisions you
13 gentlemen are going to have to make is is are they
14 going to run concurrent, at the same time, or are
15 they going to run consecutive. And then if they're
16 going to run current or consecutive, what about the
17 prior case that you have never even seen, because
18 I'll be making a recommendation for consecutive
19 imposition of discipline involving the other matter.

20 I believe these matters should stand alone,
21 but I just want to give you gentlemen a foretaste of
22 some of the decisions that I'm going to be asking you
23 to make to help tone your questions of me, as
24 Assistant Bar Counsel, in trying to present this to
25 you intelligently.

1 So and of course I'll be offering some
2 evidence for aggravating factors, for mitigating
3 factors, and then ultimately a recommendation for
4 discipline. So having said that, gentlemen, that is
5 my opening statement. I will be prepared to go into
6 some brief testimony, unless there's any questions
7 that any of you wish to ask of me at this time.

8 CHAIRMAN SHEETS: Any questions on the
9 opening, Adam or Jo?

10 COMMISSIONER GARTH: No questions yet. I
11 have a feeling that Mr. Hahn is going to be
12 addressing at least the harm associated potentially
13 with Mr. Kern's case, or lack thereof. I was just
14 taking a look at the exhibit that Sonia transmitted,
15 and he apparently got a settlement from another law
16 firm, albeit having been delayed by a certain amount
17 of time, so I don't know whether the settlement was,
18 you know, less than he otherwise would have gotten
19 or, you know, he lost out on the, you know, interest
20 factor for the amount of time he would have gotten
21 the money or something to that effect, at least in
22 terms of a monetary problem for Mr. Kern.

23 Mr. Jasmin obviously hasn't gotten anything
24 since the court administratively closed his case, and
25 he hasn't been able to pursue it, so I guess we'll

1 find out about that shortly.

2 CHAIRMAN SHEETS: Jo Kent?

3 COMMISSIONER MCBEATH: I will listen to the
4 remainder of the presentation and then decide if I
5 have a question.

6 CHAIRMAN SHEETS: All right. Good. Thanks.
7 Okay, Mr. Hahn, put your witnesses on,
8 briefly please.

9 MR. HAHN: Yes, sir. I'd like to at this
10 time to ask, forgive me, our court reporter to swear
11 in Mr. Bertild Jasmin, J-a-s-m-i-n. Miss Sonia Del
12 Rio, if you'd be so kind to escort him into our room,
13 that would be great.

14 CHAIRMAN SHEETS: Good morning, sir.

15 MR. JASMIN: Good morning, guys.

16 CHAIRMAN SHEETS: Okay, Bruce, go ahead.

17 MR. HAHN: Very well. Miss Reporter, would
18 you please swear in Mr. Jasmin please.

19 Thereupon--

20 BERTILD JASMIN

21 was called as a witness by the Complainant, and
22 having been first duly sworn, testified as follows:

23 EXAMINATION

24 BY MR. HAHN:

25 Q. Mr. Jasmin, good morning. My name is Bruce

1 Hahn. You're here before a hearing panel involving a
2 disciplinary action for a lawyer by the name of
3 Dennis -- or Kevin Dennis Holtman.

4 Do you understand that?

5 A. Yes, I am.

6 Q. Did Mr. Holtman represent you in an action
7 that you had in Clark County?

8 A. Yes, he represent me as a lawyer.

9 Q. Okay. Is it okay if I ask you some
10 questions about that, some very short questions?

11 A. Sure, you can ask me a question.

12 Q. Thank you, Mr. Jasmin. Mr. Jasmin, how old
13 are you?

14 A. I'm 53.

15 Q. And how long have you lived in Clark County?

16 A. Let's see, almost 15 years.

17 Q. Okay. What did you do prior to the wreck on
18 April 1st of 2016? What did you do for a living?

19 A. Taxi driver.

20 Q. Okay. Did you have a spouse or a
21 significant other relationship who was injured in
22 that same wreck with you?

23 A. Yes, my wife.

24 Q. And what's her name?

25 A. Angelique Pierre.

1 Q. That's Angelique Pierre, P-i-e-r-r-e?

2 A. Yes.

3 Q. Very well. Okay. If I understand it,
4 Mr. Jasmin, your car was struck by another car in Las
5 Vegas where the police came; am I correct?

6 A. Yes, police come.

7 Q. Did you have to go to the hospital?

8 A. No, I don't go to the hospital that day.

9 Q. Okay. Did the -- was there damage to your
10 car?

11 A. Yes.

12 Q. Was your car -- was your car drivable?

13 A. Yeah. Yes, it was drivable.

14 Q. Was the damage to your car about \$900?

15 A. Correct. \$900.

16 Q. Okay. And are you able to drive anymore
17 since the wreck?

18 A. Yes, I drive.

19 Q. You do drive. Very well. What kind of
20 driving do you do, Mr. Jasmin?

21 A. I drive in -- I drive in -- I drive in taxi.
22 After the -- after the accident, I drive in taxi, but
23 I didn't -- I didn't drive -- I didn't drive anymore
24 for like a year and a couple months, couple more
25 months since the COVID, COVID-19, so I get laid off

1 from my job.

2 Q. Okay. So you couldn't drive because of
3 COVID-19 and then you were laid off from your job as
4 a result; am I correct?

5 A. Correct.

6 Q. Are you driving now?

7 A. Yeah, but I drive in now but not for work.

8 Q. Not for work. How come?

9 A. Because I got something going in my back. I
10 cannot really drive far. I can drive in probably
11 somewhere like 30 -- 30, 35 minutes, but it's not --
12 it's not -- it cannot be freeway. It cannot be the
13 highway, got to be like town because --

14 Q. Is it because that's too long for you, for
15 your low back when you're sitting?

16 A. Yeah, because it's too long because when
17 I -- I mean, when I -- if I drive more than
18 25 minutes, my body get -- my body get weak. And
19 then -- and then I keep moving from right to the left
20 though. So I can't -- it can cause problems so
21 that's why I don't want to drive anymore.

22 Q. Okay. All right. Mr. Jasmin, I want to
23 talk about the first lawyer you went to. Did you
24 first see a Mr. Adam Kutner?

25 A. Yeah, I went to Mr. Adam Kutner first, and

1 then I explained to them about the accident, and they
2 was accept me, and after one month they send me a
3 letter they reject it.

4 Q. They rejected --

5 A. They reject my -- yeah.

6 Q. Okay. And then thereafter were you getting
7 medical treatment somewhere?

8 A. Yeah, I got medical -- I got -- I got
9 medical treatment because I go to the -- my wife and
10 I, we go to the chiropractor.

11 Q. Okay.

12 A. We go to the chiropractor for like three
13 months.

14 Q. For three months?

15 A. Yeah, for three months chiropractor.

16 Q. How many times a week were you going to the
17 chiropractor during those three months?

18 A. Sometimes we go -- sometimes we go like
19 three times, we go sometimes go four times a week.

20 Q. So three or four times a week for about
21 three months you and your wife?

22 A. Yes. And then after that the doctor, the
23 doctor say so they cut them off right there after
24 three months.

25 Q. Okay. Did you meet Mr. Holtman through your

1 chiropractor?

2 A. Actually we went -- after I coming from to
3 Mr. Adam Kutner, and then Mr. -- Mr. Lam, Lam is a
4 chiropractor doctor. Like I said, he's located on
5 Russell and Jones. Jones and Russell. So the
6 chiropractor's office is right there.

7 Q. Yes.

8 A. When I go to them, I talk to them, he asked
9 me if I have a lawyer, and then I explained to him, I
10 say, okay, I used to get Mr. Adam Kutner, so he
11 reject my case. And he told me he can get me lawyer.

12 Q. Okay. So Dr. Lam said that he could get you
13 a lawyer?

14 A. Yes. He said --

15 Q. Okay. So how did that happen? Tell the
16 panel.

17 A. So he say -- he say can get me lawyer. So
18 what he do, he call, he call the, he call the, he
19 call Mr. Kevin D. Holtman for me, and we met, we met
20 at the chiropractor office. And we go inside the
21 room, and then he asked me all the question about the
22 accident. And after he write everything, and then he
23 make me sign the paper and after that he left. But
24 after --

25 Q. Okay. So if I can just confirm, so,

1 Mr. Jasmin, as I understand your testimony, Dr. Lam
2 had Mr. Holtman come to Dr. Lam's office --

3 A. Yes.

4 Q. -- and you were there?

5 A. Yeah, I was -- he was -- I was there.

6 Q. Okay. And then you and Mr. Holtman then
7 began to discuss your case and --

8 A. Yes.

9 Q. -- then you signed an agreement --

10 A. Uh-huh.

11 Q. -- giving him the right to represent you; am
12 I correct?

13 A. Yeah, he say, he say, okay, no problem he
14 can take it. And now everything finish, so he go
15 home. And then he give me, he give hand, I give him
16 hand, he go, and then he go and then I go.

17 Q. All right. Now, at the beginning of the
18 attorney relationship you had with Mr. Holtman, were
19 things working out okay?

20 A. I mean, yeah, he was working -- it was
21 working okay, but some day when he, when he want me,
22 when he want me to do something, he just -- he talk
23 to me like, you know -- I don't like the way he talk
24 to me. He talk to me like, you know, like a selfish
25 or something like that. But I ask the lawyer about

1 that, okay, if he asks --

2 Q. Okay. Mr. Jasmin, our court reporter is
3 here. She's typing everything down that you say, and
4 I just need you to slow down a little bit for her so
5 we all can understand you more --

6 A. Okay.

7 Q. -- a little better. Is that okay?

8 A. Yes.

9 Q. Okay. All right. You said that you didn't
10 like the way that Mr. Holtman talked to you. How did
11 that make you feel?

12 A. Yeah, because sometime he talk to me like
13 just similar -- the same way my parents can talk to
14 me: Do this, do that, do this, do that, you know?

15 Q. Okay. So after a while did he stop
16 returning your calls?

17 A. Okay. One day I was driving in the work, he
18 call me. He said, Jasmin, you need to go to see
19 the -- he said, Jasmin, you need to go to see the
20 adjuster office. And I say, Okay, do you have the
21 address? He say, yes. He gave me the address. He
22 give me the address -- can you excuse me for a
23 second.

24 (Cellphone interruption.)

25 THE WITNESS: Okay. He said -- he said,

1 Jasmin, I need you to go to the address, the office,
2 because they want to, they want to talk to you and
3 your lawyer, because they send me -- I think they
4 have -- I say, Well, do you have the address? He
5 said, yes. He give me the address.

6 And then the address is all the way North
7 Buffalo, and then I went there, and I go there but
8 my -- the lawyer who represent my insurance, he was
9 there with me, but Mr. Kevin, he called me to go
10 there, told me the address but for himself he don't
11 go.

12 BY MR. HAHN:

13 Q. Okay. So let me stop you there. Let me
14 stop you, Mr. Jasmin.

15 A. Yes. Yes.

16 Q. As I understand your testimony, that meeting
17 at the adjuster's office, that was the big
18 arbitration meeting, right?

19 A. Yes. Yes. Exactly.

20 Q. Okay. And Mr. Holtman never showed, right?

21 A. He don't show. He don't show.

22 Q. Okay. All right. And so after that did he
23 stop returning your calls when you would call him?

24 A. Okay. After that, I go there, I spend like
25 almost two hours, because when I get there, I saw two

1 lawyer represent the other guy, and then plus my
2 lawyer, my insurance lawyer was there, like three
3 lawyer plus the, plus the adjuster, four people. And
4 then we were discussing everything how the accident
5 happen.

6 Q. Right.

7 A. And then after that, everybody finish,
8 everybody go home. But two months I don't have
9 nothing, because I want to make sure who's the
10 winner, who's the winner of the case, because I know,
11 I know a hundred percent I'm -- I would be the
12 winner.

13 So what I do, I call Mr. Kevin. He say --
14 he say, Jasmin, everything in your favor, man. You
15 the winner. I say, Oh, yeah? He say, yeah. He say,
16 yes. And then I call my insurance lawyer. He say,
17 Yeah, Jasmin, everything played in your favor. I
18 say, okay, fine.

19 After that, I don't hear about Mr. Holtman
20 anymore, because I find out everything okay so now he
21 don't want to talk to me anymore. But remember when
22 I was go to the address there, the adjuster asked me
23 where's your lawyer. I say, He don't come. He
24 say -- the adjuster say, why he don't come? He
25 supposed to come and everything -- everything be

1 finished today. I say, I don't know why he don't
2 show up. But that day I was over there, if my lawyer
3 will show up, everything be finished the same day.
4 He doesn't show up.

5 Q. Okay. All right. Mr. Jasmin, tell me --
6 tell the panel how the, how the relationship ended.
7 How did the attorney-client relationship finally end
8 the way you remember it?

9 A. You're talking about -- okay. Because,
10 okay, like I say, after I call him and I let him
11 know -- he told everything, everything was in my
12 favor. And I call my insurance lawyer, he said the
13 same thing. And then he said, Good, Jasmin, okay,
14 now I'm going -- I'm going to go to the court and
15 I'll let you know, I'll let you know when I go to the
16 court what's going on, what -- for the adjuster,
17 everything, fine.

18 And he told me that. After that I don't
19 hear about him for then like three months. And then
20 March, March 5th, I think March 5th that was a Monday
21 before the, before Las Vegas closed down for the
22 COVID-19, and then he called me, and I call him, he
23 answer the phone. He say, Jasmin, the reason why I
24 don't call you yet is because the courtroom, the
25 courthouse is closed. He say, Give me three more

1 months. He say, Oh, I think after a few months the
2 courthouse is going to be open and I will, I will
3 call you to go to the court and get your, get your
4 insurance money. He talked to me like that.

5 And then after three months I call him.
6 When I call him, he get upset. And then he send me a
7 message when he got off with me. He sent me a
8 message he say, I will be file a motion to withdraw
9 from your representing you. He said, please provide
10 a correct mail address so I can send you file to
11 your -- I can send you file to you. I will no longer
12 be your attorney.

13 That's the last thing he told me. That's
14 the last thing he told me. And I told him, okay.
15 Okay, good, I will look for that. He never call me.
16 Since today he don't call me. He don't answer my
17 phone. I call him, I leave a message and he don't
18 take my phone call. So I know nothing about him
19 anymore.

20 Q. Okay. Have you ever received any
21 compensation from that case?

22 A. Like what? What's the question?

23 Q. Have you ever received any settlement
24 from the party that hit your car, from their
25 insurance?

1 A. But remember when I -- there's only one,
2 there's only one thing. I think, like I told you,
3 my, my, my car cost \$900, remember? But the \$900
4 from my insurance. So my own insurance was send me
5 to the, to the body shop, and the body shop tell my
6 insurance the damage cause \$900. But my insurance
7 was 500 deductible, so my insurance send me \$400, and
8 then he said, I have to -- I have to put 500. But
9 from their own insurance they never talked to me
10 about anything.

11 Q. Okay.

12 A. All I know, I know -- I know the insurance
13 was State Farm Insurance. That's all I know. They
14 don't talk to me.

15 Q. All right. Mr. Jasmin, is it true that you
16 had called Mr. Holtman a number of times and he never
17 even called you back?

18 A. He never called me back. He don't call me
19 back. Number one, I call him, he don't answer the
20 phone. Even I leave a message, he don't, he don't,
21 he don't return my phone call.

22 MR. HAHN: Okay. Chair, that's the sum of
23 my questions. I yield to any panel member questions
24 they might have of Mr. Jasmin before I ask you to
25 excuse him.

1 CHAIRMAN SHEETS: Okay. Jo Kent, do you
2 have questions?

3 COMMISSIONER MCBEATH: No. I could not
4 understand Mr. Jasmin.

5 CHAIRMAN SHEETS: Okay. Adam, do you have
6 questions, sir?

7 COMMISSIONER GARTH: No questions.

8 CHAIRMAN SHEETS: Okay. I don't have any
9 questions either. Thank you, Mr. Jasmin, for your
10 testimony. We appreciate it very much. Thank you
11 for your time, too.

12 MR. HAHN: Thank you, Mr. Jasmin.

13 THE WITNESS: Thank you.

14 COMMISSIONER GARTH: Have a good day, sir.

15 THE WITNESS: Thank you very much.

16 CHAIRMAN SHEETS: Okay. Do you want to
17 call -- do you want to call Miss Peters now?

18 MR. HAHN: I do, Mr. Chair. Thank you.

19 CHAIRMAN SHEETS: All right.

20 Debbie, did you get every word of that?

21 THE REPORTER: Yes.

22 CHAIRMAN SHEETS: Good morning.

23 THE WITNESS: Good morning.

24 CHAIRMAN SHEETS: So I think Miss Peters
25 needs to be sworn please.

1 Thereupon--

2 LAURA PETERS

3 was called as a witness by the Complainant, and
4 having been first duly sworn, testified as follows:

5 CHAIRMAN SHEETS: Go ahead, Mr. Hahn.

6 MR. HAHN: Thank you, Chair.

7 EXAMINATION

8 BY MR. HAHN:

9 Q. Miss Peters, good morning. You're a --

10 A. Good morning.

11 Q. -- paralegal investigator for the State Bar;
12 am I correct?

13 A. Correct, yeah.

14 Q. And you've served with us for about 14
15 years?

16 A. Correct.

17 Q. Okay. Are you acquainted with the Office of
18 Bar Counsel's investigative file involving a grievant
19 by the name of John Kern and then a separate grievant
20 involving a Bertild Jasmin?

21 A. Yes.

22 Q. Okay. Were you involved in the
23 investigation of those matters?

24 A. Yeah, they were assigned to me, uh-huh.

25 Q. And were they both involving a respondent

1 identified as a Kevin Dennis Holtman?

2 A. Yes.

3 Q. Okay. Ms. Peters, without going into
4 detail, have you had a previous matter, investigated
5 a previous matter involving Mr. Holtman not too far
6 away in time involving a Ms. Angelita DePedro?

7 A. Yes.

8 Q. And did you have investigative
9 responsibilities with that as well?

10 A. Yes.

11 Q. Okay. All right. Miss Peters, if I may, I
12 just want to talk with you a little bit briefly. Are
13 you familiar with the term SCR 79 and what that means
14 for a respondent obligation?

15 A. I am, yeah.

16 Q. Could you tell the panel please?

17 A. Yeah. The SCR 79 address, email, and phone
18 number are all registered with the membership
19 department at the State Bar.

20 Q. Okay. Is it your understanding as a
21 professional that each licensed legal practitioner in
22 the state of Nevada must provide the State Bar with a
23 current phone number, a current physical -- a current
24 permanent mailing address, and then a current email?

25 A. Yes.

1 Q. Very well. And in this case is it true that
2 you had, as a permanent email at the time of your
3 initial contact with the OBC file involving
4 Mr. Holtman, a permanent mailing address of P.O. Box
5 371929, Las Vegas, Nevada 89137?

6 A. Correct.

7 Q. Okay. And did you also have a permanent
8 telephone of (702)569-4789 for Mr. Holtman?

9 A. Correct.

10 Q. And did he also provide the Bar with a
11 current email address of KHoltman@HoltmanLaw.com?

12 A. Yes.

13 Q. Did you utilize those in attempting to reach
14 out to Mr. Holtman in connection with the Kern
15 investigation and then the Jasmin investigation?

16 A. Yes, I -- well, the Las Vegas office sent
17 out letters in accordance with the SCR 79 addresses
18 that were provided.

19 Q. Did you ever get a response from Mr. Holtman
20 in Las Vegas inquiries into either grievance?

21 A. No, none whatsoever.

22 Q. Are you acquainted with the term "Accurint"?

23 A. Yes.

24 Q. Tell the panel what that means.

25 A. It's a product of LexisNexis, and it's just

1 a collaboration of a bunch of public, public records.
2 It's used for skip tracing. We use it to find any
3 current information where the people might live or
4 what their current addresses or phone numbers might
5 be.

6 Q. Have you -- have you found it to be reliable
7 in your role as an investigator?

8 A. Yeah, uh-huh, with mixed results, but, yeah,
9 uh-huh, it does help.

10 Q. Were you able to come up with an alternative
11 address for Mr. Holtman and an alternative email
12 address?

13 A. I did when I was investigating the other
14 grievance, the DePedro matter. It was a -- I forget
15 what the -- it was a Woodhouse Drive address I think,
16 and that was the one I found on Accurint. And he did
17 respond to that one. Well, he didn't respond, but he
18 signed the, the postage receipt that he received a
19 piece of mail, but that was the only time that that's
20 ever transpired.

21 Q. In connection with one of the grievances,
22 did you get an alternative phone number involving
23 Mr. Holtman that you accessed and called?

24 A. Yes. Mr. Jasmin did provide an extra
25 number. I assumed it was Mr. Holtman's cellphone

1 that he had provided to him, and I did try that one
2 as well and left a voicemail and never received a
3 response.

4 Q. Can you tell the panel what automatic prompt
5 you received when you called and got through to that
6 number? Tell them what prompt you heard.

7 A. It was something to the effect of, This is
8 the Holtman Law Office, leave a message and I'll call
9 you back.

10 Q. Did you leave a message with your return
11 contact information?

12 A. I did.

13 Q. Did you identify yourself as an investigator
14 with the State Bar or seeking his reply on some
15 grievances?

16 A. Yes.

17 Q. Did you ever receive a response?

18 A. No, not at all.

19 Q. Very well. If I can, Miss Peters, I'd like
20 to jump forward now --

21 A. Uh-huh.

22 Q. -- and specifically address the Jasmin
23 matter, Mr. Bertild Jasmin. Did you conduct an
24 Eighth Judicial District Court website search for any
25 complaint filings involving Mr. Jasmin and

1 Mr. Holtman?

2 A. I did, yes.

3 Q. Tell the panel what you found.

4 A. Well, there were two different cases. In
5 one case his insurance carrier filed a complaint on
6 his, or answered a complaint on his behalf filed by
7 the at-fault driver. And in the other one
8 Mr. Holtman did file a complaint the day that the
9 statute was due to run, and he asked for a couple of
10 extensions to serve the defendant but never did so
11 and never withdrew or took a default on that case, so
12 it was eventually dropped.

13 Q. And we'll talk about the drop. Did the
14 court administratively close that file?

15 A. They did, yes.

16 Q. Do you happen to have the date that they
17 administratively closed it?

18 A. I believe it was July 19th of 2021.

19 Q. Now, with regard to the court minutes, did
20 you research the court minutes in connection with the
21 action that Mr. Jasmin had that Mr. Holtman filed on
22 the last day of the statute of limitations? Did you
23 examine some of the court minutes?

24 A. Yes, I did.

25 Q. Could you tell the panel any references or

1 representations that Mr. Holtman made to the court in
2 appearing in some of those matters?

3 A. Yeah. In open court he represented that he
4 was getting ready to file a default in that case, and
5 as far I can tell that never transpired.

6 Q. Any other representations that you -- in
7 other words, was that representation on more than one
8 occasion, if you recall?

9 A. I believe there were references in a couple
10 of different sets of court minutes to that effect.

11 Q. Okay. And could those court minute dates
12 have been February 19 of 2019, July 2nd of 2019, and
13 then February 4 of 2020 where he made those
14 representations he was going to seek a default? Does
15 that sound right?

16 A. That sounds right, yeah, uh-huh.

17 Q. Okay. Very well. And did you ever find
18 record of any default judgment that Mr. Holtman ever
19 filed for Mr. Jasmin?

20 A. No, huh-uh.

21 Q. Did you ever find any record of Mr. Holtman
22 ever filing a withdrawal of counsel?

23 A. No.

24 MR. HAHN: Very well. Mr. Chair, I have no
25 other questions of Miss Peters. I'd like to yield

1 her to the panel for any possible questions.

2 CHAIRMAN SHEETS: Jo Kent, do you have
3 questions, sir?

4 COMMISSIONER MCBEATH: I would wonder if in
5 your investigation if you inquired to any insurance
6 company payments to Mr. Holtman on behalf of
7 Mr. Jasmin. Mr. Jasmin had indicated he contacted an
8 insurance company and then on the basis of that he
9 accused Holtman of not -- of receiving that but not
10 giving it to him. Do you know --

11 THE WITNESS: No, I had -- I had no contact
12 with insurance companies.

13 COMMISSIONER MCBEATH: Okay.

14 CHAIRMAN SHEETS: Thanks, Jo Kent.
15 Adam, questions, sir?

16 COMMISSIONER GARTH: No.

17 CHAIRMAN SHEETS: Thank you.

18 Miss Peters, I don't have any questions
19 either. Thank you very much. Appreciate your
20 testimony.

21 THE WITNESS: Sure. Sure.

22 MR. HAHN: Thank you, Miss Peters.

23 THE WITNESS: Thanks.

24 CHAIRMAN SHEETS: Okay. Any other
25 witnesses?

1 MR. HAHN: No, Chair. That is the -- that
2 is the sum of the evidence I'll be presenting. I'm
3 prepared to move into argument, absent any other
4 questions from the panel.

5 CHAIRMAN SHEETS: Anybody else have any
6 questions for Mr. Hahn before we go to -- into his
7 final remarks and him telling us what he wants us to
8 do?

9 Jo Kent?

10 COMMISSIONER MCBEATH: I would ask if
11 Attorney Hahn knows if an insurance company payment
12 was paid to Holtman on the behalf of Mr. Jasmin.

13 MR. HAHN: Dr. McBeath, no. We were unable
14 to discover and establish that there -- that
15 Mr. Holtman received insurance moneys. We have been
16 unable to reach Mr. Holtman in not only in these two
17 matters but the DePedro matter, other than two
18 affidavits of service that are in your packets. One
19 was from a process server, Mr. White; the other was
20 from a process server, Mr. Truett. Truett was on the
21 DePedro matter. Mr. White was on these two matters.
22 But he has not responded or acknowledged us in any
23 way.

24 COMMISSIONER MCBEATH: So that accusation,
25 it was not confirmed that Jasmin made that he had

1 been paid by an insurance company and didn't pay him?

2 MR. HAHN: We cannot prove that at this
3 time.

4 COMMISSIONER MCBEATH: Yes. Okay. Thank
5 you.

6 CHAIRMAN SHEETS: Adam?

7 COMMISSIONER GARTH: With respect to
8 Mr. Kern, do you know whether he had just soft tissue
9 injuries or was there anything more serious than
10 that? That's the first question.

11 MR. HAHN: Very well. Mr. Garth, Bruce Hahn
12 on behalf of the State Bar. Mr. Kern shared with me
13 that they were mostly soft tissue. He had hurt his
14 back, he had hurt his ankle, his leg. He had a big
15 bike. The bike went over to him -- went over on him.
16 The bike was substantially damaged, but it was
17 repaired.

18 But he did receive a -- he was not -- he did
19 not go to the hospital. He did go to urgent care I
20 believe on two to three occasions for treatment,
21 x-rays, general assessment, and then he thereafter
22 followed up I believe with some chiropractic
23 treatment and then he felt he was -- he felt he was
24 permanent and stationary, his condition wasn't going
25 to change, and then that's ultimately where he was

1 hoping that Mr. Holtman would take the matter where
2 it needed to go, and it didn't happen. So that's
3 what I know about the medical.

4 COMMISSIONER GARTH: Okay. And in terms of
5 the settlement, his affidavit doesn't indicate how
6 much he received from the new attorneys who took over
7 the case. Do we have any further information
8 concerning what the settlement was?

9 MR. HAHN: No, he did not share that with
10 me. He submitted the affidavit after a phone call
11 conversation that I had with him. I asked him to
12 include as much information as possible in the
13 affidavit, you know, contrasting that with the former
14 representation that he had versus the current
15 representation that he had, and he didn't share that
16 information, so I don't know that, sir.

17 COMMISSIONER GARTH: Okay. So is it your
18 position, and maybe you'll be arguing this
19 afterwards, but and so if I'm being premature just
20 tell me, that with respect to at least Mr. Kern he
21 had sort of a lost opportunity to have money in his
22 pocket sooner than he would have -- than he otherwise
23 received it in terms of the harm that would have been
24 inflicted on him?

25 MR. HAHN: In part. I believe it was also

1 he felt there was a loss of opportunity because his,
2 A, his claim was delayed; and but also B, Mr. Garth,
3 because he was -- he felt that mixed messages were
4 being given out because when the first demand packet
5 was sent out by Mr. Holtman, it had a certain level
6 of specials that were identified.

7 When he got his client file, he looked at it
8 and goes, Holy smokes, you didn't subpoena half the
9 records that I needed for, you know, and the amounts
10 for additional specials. So later that went out
11 through Sam & Ash, and I feel that he felt his
12 credibility was questioned because the first demand
13 packet didn't reflect the diligence that we would
14 have hoped from Mr. Holtman.

15 COMMISSIONER GARTH: Okay. And at this
16 point I defer to you to give us your remaining
17 presentation and see where we go.

18 MR. HAHN: Very well.

19 CHAIRMAN SHEETS: Okay. Let me ask you -- I
20 have a question on Mr. Jasmin's case. If I
21 understood it, the vehicle damage that he testified
22 to was \$900 worth of damage?

23 MR. HAHN: Yes.

24 CHAIRMAN SHEETS: And he was paid by his
25 insurer \$400; is that right?

1 MR. HAHN: That's what I heard.

2 CHAIRMAN SHEETS: Okay. And so there it is,
3 he received no compensation for any claimed injuries;
4 is that right?

5 MR. HAHN: Correct.

6 CHAIRMAN SHEETS: Most which must have been
7 soft tissue because it was a chiropractor? Yes?

8 MR. HAHN: Correct.

9 CHAIRMAN SHEETS: And but he is driving, and
10 he's back to driving a taxicab, and has been since
11 COVID has somewhat abated, but he doesn't want to
12 drive personally because of his back. Is that what I
13 heard?

14 MR. HAHN: I understood -- I understood his
15 testimony, Chair, and I yield obviously to the memory
16 of the panel, I understood him to say, I don't drive
17 freeways anymore. I can't because of the long
18 sitting and compression on my low back. So he
19 doesn't drive, yeah, for pleasure anymore certainly,
20 and his work limitations are confined to city areas
21 where he can move around and get up.

22 CHAIRMAN SHEETS: Okay. Anybody else? Does
23 that -- do any of the questions that Adam or I asked
24 or Jo lead to other questions by either Jo Kent or
25 Adam?

1 COMMISSIONER MCBEATH: I just wonder if
2 Mr. Jasmin has had any other medical evaluation more
3 recent as to his conditions and prognosis and
4 diagnosis.

5 MR. HAHN: Dr. McBeath, in my conversation
6 that I had with Mr. Jasmin, he has not shared that.
7 I have asked that question, you know, how are you
8 doing now, are you going to get assessed anymore, and
9 he kind of, for a latter of a better term, just
10 didn't answer my question when I was speaking with
11 him.

12 There is a language barrier, as you
13 perceived, and it's difficult sometimes to keep him
14 focused on some of the more pointed concerns I think
15 that I had as a practitioner to make a recommendation
16 to you. So he did not share with me any, any intent
17 to receive any other treatment or any other lasting
18 problems, other than the soft issue low back pain
19 that he was experiencing.

20 CHAIRMAN SHEETS: Okay. Hearing nothing
21 else then, Bruce, do you want to provide your final
22 remarks and argument? Please be brief, okay.

23 MR. HAHN: Yes, sir, I will do my best.

24 CHAIRMAN SHEETS: But for Debbie's purposes
25 I'd like you to talk as fast as you possibly can.

1 MR. HAHN: All right. Very well, gentleman.
2 With regard to the Kern matter, I'm going to deal
3 with the mental state and the injury together, that
4 way I can keep it -- the Kern matter separate from
5 the Jasmin matter, okay.

6 With regard to the Kern matter, under 8.1,
7 his dealings with the Bar, he ignored two letters.
8 That was on January -- November 13th and
9 December 3rd. He even got personal service of this,
10 of this hearing today. He's not here. I show it as
11 being 11:59. He received personal service at that
12 Woodhouse address that Ms. Peters was able to find.
13 So I can find no other reason that that was other
14 than an intentional act.

15 As you know, we kind of start off with
16 knowingly as kind of a baseline standard, and then
17 below that you have negligent mental state, and then
18 above that you have intentional. Somewhere in
19 between we get reckless disregard. But I can't
20 explain his behavior, other than that his not
21 responding to the Bar as being other than
22 intentionally mental state.

23 In terms of the injury to the Bar, and it's
24 a delay of proceedings, it's docket congestion, it's
25 volunteer use. You gentlemen all have other things

1 to do, and we're grateful for your voluntary service,
2 especially you, Chair, coming in at such short
3 notice. So there is actual injury to the Bar.

4 I don't want to write it off and just say,
5 oh, that's, you know -- you know, Ms. Peters, you
6 know, she had to spend all that time on the phone and
7 then doing all the court research. And I guess we
8 could total up all of that money, but there's actual
9 injury to the Bar, gentlemen. That's why our dues
10 are so high.

11 With regard to the 1.3 matter involving
12 Mr. Kern, this is the diligence. I submit to you the
13 evidence shows that the mental state is knowing up to
14 intentional. Basically he ignored information
15 researching a new insurance carrier. Mr. Kern shared
16 that. That's in the documentation that you have, and
17 Mr. Holtman didn't bother.

18 So I say somewhere the bookends are knowing
19 to intentional with regard to his mental state and
20 lack of diligence demonstrated on Mr. Kern's case.
21 There I think there's potential injury. Mr. Garth,
22 this goes to your question earlier, you know, what's
23 the harm ultimately that happened with Mr. Kern.
24 Subjectively he believes he was put at a
25 disadvantage.

1 He had frustration for six months. He --
2 the representation period was 13 months in total. He
3 had to go to another lawyer, provide more information
4 for his specials package and then get submitted and
5 then felt his credibility was a little bit at issue.
6 So I think overall there was potential injury
7 involving Mr. Kern, which of course the Supreme Court
8 counts as still significant. It could have happened.
9 So that's the 1.3.

10 The last charge on Mr. Kern was 1.4A.
11 That's the communication. And I can see no other
12 basis or conclusion that the law would support and
13 the facts would support that he intentionally didn't
14 bother calling Mr. Kern. Mr. Kern has those text
15 messages. You have screen shots of seven separate
16 text messages. Any status on my claim? Any status
17 on my claim?

18 And this seems to be the pattern with
19 Mr. Holtman in communicating with texts, which is
20 fine, but you just saw during the testimony of
21 Mr. Jasmin, he pulled up his phone as he was
22 testifying to you and was pulling up his account of
23 texts. But when the texts go ignored and the phone
24 messages go ignored, I suggest that demonstrates an
25 intentional behavior or intentional mental state.

1 In terms of the injury to Mr. Kern, again I
2 think it's actual. It's minor injury. You saw
3 Mr. Kern's comments that, Hey, withdraw your lien,
4 buddy. You told me you were going to withdraw your
5 lien. Oh, yeah, okay, and that he doesn't, because
6 he didn't want that impacted by his new settlement
7 with Sam & Ash. So there is actual minor injury to
8 Mr. Kern.

9 Moving now to Mr. Jasmin, the mental state
10 and the injury. With regard to the 8.1, this is the
11 injury to the Bar, again it was an intentional act.
12 He got personal service of this matter. He doesn't
13 want to show. I guess I can't make him, but that
14 just confirms why he didn't respond to the other two
15 inquiries.

16 This time it was December 3rd of 2020, and
17 then the voicemail message that Miss Peters got, the
18 inside phone number that she testified to, that was
19 on February 9 of 2021. How do you not respond to
20 that? "This is the Holtman Law Office." Now, that
21 wasn't even his SCR 79 phone number. So why he's
22 doing this, gentlemen, I can't, I can't -- I have no
23 answer for you, but I can only, I can only point out
24 that it seems to me to be intentional. I think
25 that's what the facts support in terms of not

1 responding to the Bar in 8.1.

2 Now, moving to the other class of violations
3 involving Mr. Jasmin, we've got 1.3, 1.4 and then
4 3.2. I believe that the evidence supports that it
5 was knowingly on 1.3, which was, you know, he didn't
6 bother seeking a withdrawal. Was there actual
7 injury? Yeah, it was actual serious injury. The
8 court dismissed the case. I don't know what the
9 standards are going to be to try and reopen that.
10 But there's actual serious injury.

11 With regard to the 1.4, I think it was
12 intentional. That's what the evidence supports. He
13 ignored numerous phone calls and the text messages.
14 The injury, I think it was actual minor. It was
15 delay and frustration for the communication
16 component.

17 And then the 3.2, which overlaps with the
18 1.3, so Count 4 overlaps with Count 2, it was
19 intentional. he told the court he was going to file
20 for default. He said it three times. I asked
21 Miss Peters what were the three dates, and she
22 confirmed the dates as being accurate with her
23 memory. He told the court, oh, yeah, I'm going to
24 seek a default. Well, of course he could have. He
25 had an arbitrator's judgment that said the adverse

1 driver was at fault.

2 And what happened is when Mr. Jasmin was
3 sued originally, he wasn't sued by the adverse
4 driver, he was sued by the passenger in the adverse
5 driver's car, so that's what happened, gentlemen. If
6 you had a, you know, and again forgive me because you
7 haven't had much of an opportunity to carefully
8 examine these documents as myself and Miss Del Rio
9 have.

10 So the 3.2 he told the court he was going to
11 seek it, he didn't. He didn't even bother to
12 withdraw. So I submit to you that the 3.2 mental
13 state is intentional and there's actual serious
14 injury because the case was dismissed.

15 So where does that leave us? It leaves us
16 with a baseline for our two classes. So for Mr. Kern
17 I would submit to you that the range provided by our
18 standards, and I'll give you the standards in just a
19 moment, is somewhere from a reprimand up to
20 suspension. That's what it is.

21 And I'll give you the points you can
22 examine. Under the class of 1.3 and 1.4, that's
23 duties to clients, you'd want to take a look at one
24 bookend, 4.43. That's where it says reprimand is
25 generally appropriate when a lawyer is negligent and

1 does not act with reasonable diligence in
2 representing a client and then causes injury or
3 potential injury.

4 The suspension, which is the other bookend
5 for the 1.3 and 1.4, duties to clients, it says
6 suspension is generally appropriate when, A, a lawyer
7 knowingly fails to perform services for a client and
8 causes injury or potential injury to a client; or B,
9 a lawyer engages in a pattern of neglect causing
10 injury or potential injury for a client.

11 So for Mr. Kern, gentlemen, those are your
12 bookends. And you can take a look at those
13 standards. The standards are between 4.42 and 4.43.

14 With regard to the Bar injury, that's 7.2.
15 That's duties owed as a licensed professional.
16 You've got to deal with the licensing agency. You
17 can fight it, you can contest it, do whatever you
18 want to do, but holy smokes, don't ignore us. We're
19 trying to help, okay.

20 7.2 says, suspension is generally
21 appropriate when a lawyer knowingly engages in
22 conduct that is a violation of a duty owed as a
23 professional and causes injury or potential injury to
24 either a client, the public, or the legal system. So
25 that's just dealing with Mr. Kern's case.

1 Now I want to go to Mr. Jasmin's. And,
2 Chair, I'm mindful of the time. I just want to make
3 a meaningful record for everyone here. For
4 Mr. Jasmin, again you've got two classes. You've got
5 duties owed to client, you've got duties owed as a
6 professional.

7 Duties owed to the client, which is 1.3,
8 1.4, and 3.2, I'll submit to you the standard is
9 4.42, which is suspension. It's suspension all
10 around involving Mr. Jasmin, according to our
11 standard. This is the standard. It says suspension
12 is generally appropriate when a lawyer knowingly
13 fails to perform services for a client and causes
14 injury or potential injury to a client; or B, a
15 lawyer engages in a pattern of neglect that causes
16 injury or potential injury to a client.

17 Now, with regard to the 8.1, that's under
18 7.2 again, and I've already read that to you. That's
19 suspension. It's generally appropriate when a lawyer
20 knowingly engages in conduct that is a violation of a
21 duty owed as a professional -- that's responding to
22 the bar -- and causes injury or potential injury to
23 the public, the legal system, or a client.

24 So, gentlemen, that's what we're presented
25 with. On the Kern you're looking at reprimand to

1 suspension, on the Jasmin matter you're looking at
2 suspension all around.

3 Aggravating and mitigating factors for you
4 to consider. I'll submit to you that under -- there
5 are five aggravating factors which may deviate from
6 that suspension baseline either up or down. The five
7 factors that I perceive the evidence supports are as
8 follows. These are all under 102.5(1). These are
9 the aggravators under our Supreme Court rules.

10 Subsection C says there's a pattern of
11 misconduct, and I'll submit to you the evidence is
12 patent. The second aggravator is multiple offenses.
13 That's subsection D, and again I'll submit to you the
14 evidence is patent. Subsection E, as in "elephant,"
15 that's intentionally failing to comply with rules or
16 orders. And the rules are keep your SCR 79 address
17 updated and then respond when we reach out. He's
18 disregarding the rules. He's intentionally doing it,
19 and I don't see any other interpretation of the
20 evidence other than that mental state of intentional.

21 Subsection H, as in "Harold," is the fourth
22 aggravator, and that's the vulnerability of the
23 victim. Now, Mr. Kern is not a lamb. He's quite a
24 sophisticated consumer. You gathered that from his,
25 A, his grievance packet, and then separately his

1 sworn statement. So he's not vulnerable, but I think
2 Mr. Jasmin was. English is difficult for him,
3 communication is difficult, and he's not a
4 sophisticated consumer. He didn't even know his case
5 was dismissed. He hopes to revive it. So I'll
6 submit to you that subsection H, as in "Harold," is
7 here.

8 The fifth aggravator I'll submit is
9 available is I, as in "ice cream." That's
10 substantial experience in the practice of law. As
11 you can see from the pleadings, which are deemed
12 admitted, Mr. Holtman has been practicing well over
13 ten years. Ten years is the ABA standard for
14 substantial practice or not. So I submit to you
15 there's five aggravators for you to consider in
16 deviating up from that baseline of suspension. It's
17 just a matter of perhaps how long.

18 I see one mitigating factor for you to
19 consider, and that's 102.5(2)(a) as in "apple." And
20 that's absence of a disciplinary record, okay. There
21 is no formal record of discipline, but it's at this
22 time now that for your consideration I'm going to now
23 make an offer of proof and I'm going to ask Miss Del
24 Rio and the Chair's permission to publish Exhibit 2.
25 Do I have your permission, Chair Sheets?

1 CHAIRMAN SHEETS: Having not seen it, yes.

2 (Thereupon Complainant's Exhibit
3 2 was admitted into evidence.)

4 MR. HAHN: Very well. It's an affidavit of
5 prior discipline.

6 Miss Del Rio, if you'd be so kind.

7 COMMISSIONER GARTH: Sonia, are you sending
8 it or is it going to just be --

9 MS. DEL RIO: (Nods head.)

10 COMMISSIONER GARTH: Okay. Or just a screen
11 share?

12 MS. DEL RIO: I just emailed it right now.

13 CHAIRMAN SHEETS: Okay.

14 MR. HAHN: For our record today, and for
15 this matter, it should reflect that Mr. Holtman was
16 first licensed to practice law in the state of Nevada
17 in 2009 on October 22nd. He is CLE suspended as of
18 June 21st, 2021, and there is no prior discipline,
19 official prior discipline. So if that has been
20 considered and admitted, Chair, I'd like to move to
21 my offer of proof.

22 COMMISSIONER GARTH: It hasn't come through
23 for me at this point.

24 CHAIRMAN SHEETS: Sonia, I don't have --
25 yeah, I don't have the second exhibit, or the

1 discipline exhibit. Adam doesn't either apparently.

2 Jo, do you have it?

3 COMMISSIONER GARTH: I just got it.

4 MS. DEL RIO: Okay.

5 CHAIRMAN SHEETS: Let's see. Adam, do you
6 have it? You're muted. I can't hear you.

7 COMMISSIONER MCBEATH: Yes, I think I'm just
8 seeing it.

9 CHAIRMAN SHEETS: Okay. Adam, do you have
10 it? I can't -- you're muted right now.

11 COMMISSIONER GARTH: Yeah, I have it. I
12 just -- I just got it. It's a one-page declaration,
13 Sonia's declaration, right? Okay. I have it.

14 CHAIRMAN SHEETS: Okay. Sonia, I don't have
15 it. Can you resend it to me?

16 MS. DEL RIO: My apologies, Mr. Sheets. Let
17 me go ahead and resend it.

18 CHAIRMAN SHEETS: That would be great.
19 Thank you.

20 MR. HAHN: You could also share screen,
21 Miss Del Rio, if you wish for our Chair.

22 CHAIRMAN SHEETS: Well, while we're waiting
23 for it to come through, Bruce, why don't you go ahead
24 and say whatever you want to say about the -- about
25 the record.

1 MR. HAHN: Yes, very well. Gentlemen, in
2 terms of my suggestion to you, with regard to the
3 affidavit of prior discipline, the panel should know
4 that there is a findings of fact conclusions of law
5 and recommendation, after a formal hearing a panel's
6 decision on May 17, 2021 that has been submitted to
7 our Nevada Supreme Court involving Ms. DePedro that
8 you heard Miss Peters allude to. And in this matter
9 the panel is recommending to the Supreme Court that
10 Mr. Holtman be suspended for a period of three years
11 involving a single grievant involving similar charges
12 to what you're considering.

13 So absent any specific questions from the
14 panel, that is my offer of proof with regard to
15 Exhibit 2 and your consideration of the aggravating
16 and mitigating factors. In sum, gentlemen,
17 there's -- this is the Bar's recommendation. I'm
18 recommending if you are going to proceed with an
19 aggregate view of the Kern and the Jasmin matters, I
20 would suggest that the evidence supports a two-year
21 suspension.

22 If the panel was inclined to pars them out,
23 I would submit that the evidence would support
24 Mr. Kern's matter being worthy of a six-month
25 suspension consideration and the Jasmin matter be

1 worthy of an 18-month suspension for an aggregate
2 together of two years, but if you were to provide
3 individualized determination, I believe that's what
4 the evidence would support.

5 And I -- and I'm recommending to the panel,
6 even though that they occurred close in time, an
7 individualized appropriation of this is they should
8 run consecutive to each other, not concurrent.

9 With regard to the DePedro matter, I'm
10 encouraging this panel to consider that the DePedro
11 matter stand on its own, separate and apart from the
12 Kern matter and the Jasmin matter; and those two
13 matters, while running consecutive to each other,
14 should run consecutive to the DePedro matter.

15 That is my recommendation for the panel to
16 consider. That's the sum of my presentation. Thank
17 you for your patience, gentlemen, for the long,
18 difficult challenge that we've had. My thanks to
19 Miss Del Rio for reaching out so successfully, and I
20 stand ready to answer any questions of the panel.

21 CHAIRMAN SHEETS: Mr. Hahn, with respect to
22 the DePedro matter that's in front of the Supreme
23 Court at this point, is it at the Supreme Court
24 simply for their review of the panel's decision or is
25 it -- is there an actual appeal of that decision by

1 Mr. Holtman?

2 MR. HAHN: There has been no appeal and no
3 response from Mr. Holtman that I'm aware of,
4 Mr. Sheets. It is the panel has made a
5 recommendation to the Supreme Court to impose a
6 suspension of three years. The Supreme Court simply
7 hasn't ruled on it yet that I have received.

8 CHAIRMAN SHEETS: Okay. Thank you.
9 Adam?

10 COMMISSIONER GARTH: Yeah, Mr. Hahn, I've
11 got -- I've got a question for you.

12 MR. HAHN: Please.

13 COMMISSIONER GARTH: You said that the -- in
14 the other matter that's pending before the Supreme
15 Court, it's a three-year recommendation for
16 suspension, but yet the actions and activities that
17 are associated with that are very similar to what's
18 being raised in these two cases. So is there
19 something that is so much worse that exists in that
20 case where you would -- the Bar was seeking a
21 three-year suspension and now the aggravate of these
22 two it's a two-year suspension when we seem to be
23 having an aggregated problem with this one lawyer
24 where three years -- he's already before the Supreme
25 Court, and I'm not sure exactly when that case, you

1 know, when those actions that the Bar took occurred,
2 you know, in relation to the actions on these cases,
3 because this lawyer sounds like a guy who doesn't
4 learn very easily.

5 So, you know, to say, well, three years and
6 then add another two to that is five years, I don't
7 think this guy cares. You know, he hasn't responded
8 to your complaints then. He hasn't dealt with the
9 Supreme Court or interposed any defense in that case.
10 He hasn't interposed any defense in either of these
11 cases, and yet pulling his ticket for three years
12 plus another two doesn't seem to be doing the job.

13 You know, the reason why the fees, as you've
14 just admitted, are so high is because we have to keep
15 having these hearings and extensive investigations,
16 and I can tell you in nearly 30 years of practice and
17 practicing in multiple jurisdictions I have never in
18 my life seen the poor quality of practitioner as I
19 have seen in this jurisdiction. Never.

20 And I'm admitted in a lot of huge
21 jurisdictions where you would figure the population
22 would produce a large number of issues, and I think
23 the problem is that the penalties that are being
24 imposed aren't stiff enough. The recommendations are
25 basically slaps on the wrist for continuing patterns

1 of problems. And unless and until severe sanctions
2 are imposed on lawyers who violate disciplinary
3 rules, not once, twice, three times, five times, and,
4 you know, I've sat on other panels where there is a
5 profound history, yet their billboards are still up,
6 they're still practicing, and it basically says the
7 heck with all of you, I'm making a whole bunch of
8 money, I don't care what you say.

9 And until their licenses are pulled
10 permanently, then I don't -- I don't see what the
11 point of all of this is. Let's reduce the fees by
12 getting rid of the bad apples. And, you know, I
13 guess I'm just trying to reconcile all of this
14 because it's, you know, I keep hearing a recurring
15 theme every time I sit in these hearings. And it's
16 never going to get any better unless and until we
17 take some kind of action as a group and self police,
18 because the Supreme Court has, from what I gather,
19 turned back a lot of these recommendations and say
20 your recommendations aren't severe enough, which
21 means they're getting sick and tired of seeing this
22 kind of nonsense.

23 And I can tell you as a practitioner out
24 there, I am getting really sick and tired of dealing
25 with a lot of lawyers who are extremely unscrupulous

1 and ignore the rules, and judges don't hold them to
2 account, and that's why they're able to get away with
3 this nonsense.

4 And, you know, this would never happen, you
5 know, in the primary jurisdictions in which I'm
6 admitted, which are California and New York. This
7 would never fly. Never. They would have lost their
8 a ticket a long time ago and for a lot less.

9 So I guess I'm trying to figure out why is
10 that case with three years so much worse than two
11 cases now where it's an aggregate of two years or
12 18 months on one, 6 months on another and we're not
13 considering the totality of all of this where this
14 guy is just a bad guy. And, you know, that's --
15 it's -- at least professionally anyway, and that's a
16 big concern for me.

17 MR. HAHN: Very well. Panel member Garth,
18 thank you. Thank you for your comments. I
19 appreciate that. I will take these to Mr. Hooge, Bar
20 Counsel himself. I will tell you that he is
21 acquainted with this case. He's acquainted with my
22 involvement and my recommendations.

23 To answer your answer about why is the
24 DePedro matter perhaps different than the other two
25 matters, I will now attempt to answer your question.

1 Miss DePedro, she was also deemed a vulnerable
2 victim. She is approximately 70 years old, and the
3 panel believed that Mr. Holtman lied to her.

4 I presented that case myself. I watched the
5 testimony, and they believed that she -- he had
6 affirmatively misrepresented that he had filed a
7 lawsuit on her behalf when he in fact did not, and
8 they felt that that was a lie, as opposed to in this
9 case where we don't have any evidence that I can
10 present to you gentlemen of a lie, of intentionally
11 deceiving a client. I don't have that here.

12 So with regard to the DePedro matter, that's
13 really I think the difference of why. And of course
14 I can't speak for the panel, I was not part of their
15 deliberations, but they recommended three years in
16 that matter. And I can tell you that her injury, it
17 was a PI case, that injury -- and I'm responding to
18 your question, I'm not trying to taint whatever
19 ruling you folks may decide for our Supreme Court's
20 consideration, but the PI injury in that case
21 happened on May 27 of 2015 that was involving
22 Miss DePedro, the matter finally came to the Bar.
23 And in the matters involving here with Mr. Kern,
24 they're much more current. The matter involving
25 Mr. Jasmin, that was on April 1st of 2016 that just

1 has been languishing, as you pointed out, Mr. Garth,
2 in litigation.

3 So the DePedro matter was taken first and
4 treated on its own merits. As that was percolating,
5 then we got those other two, and that's why we
6 brought these two. So if that answers your question,
7 I'm hoping that it does, that's I believe why the
8 panel chose the path that it did and why I'm
9 recommending what I did now.

10 In answer to your last question, which was
11 why are we not looking at the aggregate of this,
12 that's a fair question, Chair, or, forgive me,
13 Mr. Garth. I think all I can say is that the Supreme
14 Court has -- they have been interested in evidence of
15 affirmed prior discipline before they accept the idea
16 of progressive discipline. And I think that's where
17 your point about the totality will come in.

18 I don't have that here because they haven't
19 ruled on it yet. We just haven't got there fast
20 enough, and so that's why I'm trying to use great
21 caution in telling you what happened where I gave you
22 a very bare bones offer of proof, and then you asked
23 very probing questions, and in response to that I
24 gave you detailed answers.

25 Is there any other questions I can answer

1 for you, Mr. Garth, or you, Doctor, or you, Chair
2 Sheets?

3 COMMISSIONER MCBEATH: I have a question
4 along the line of Mr. Garth that if you have, for
5 instance, a five-year suspension, at the end of the
6 five years do you just return to practice?

7 MR. HAHN: What would be required, Doctor,
8 is is that any suspension greater than six months and
9 a day would require a petition to be readmitted. The
10 Supreme Court rules are fairly well spelled out about
11 what one must do to petition to be readmitted. The
12 only other exacting consequence is that if one is
13 suspended for five months (sic) and a day, then you
14 have to retake the Bar plus petition to get in.

15 CHAIRMAN SHEETS: Six months and a day.

16 MR. HAHN: Six months and a day to petition
17 to be readmitted, yes, but to be required to retake
18 the Bar exam, that would be five years and a day, as
19 I understand it, Chair Sheets.

20 CHAIRMAN SHEETS: Okay.

21 COMMISSIONER MCBEATH: Well, if at that time
22 readmission would require resolution of all these
23 other problems, that would be one thing. If
24 otherwise that I agree with Mr. Garth and I wonder if
25 he should not have an indefinite suspension

1 administratively and until such time as he engages
2 you and resolves all these issues, and if at that
3 time then you still have a probable, you could have
4 another screening panel review things.

5 MR. HAHN: That's a fair option to consider,
6 Doctor. I would invite -- I would invite the Chair
7 and Mr. Garth to weigh in. My perception and my
8 understanding of our Supreme Court is that indefinite
9 suspensions are disfavored in Nevada. I know in
10 California they'll do them if you don't meet the
11 requirements. I understand California. I'm licensed
12 in California. But that's not something that our
13 Supreme Court has looked at in depth as an option.
14 They consider a serious suspension benchmark to be
15 three years. I've seen suspensions as high as five
16 years and a day, I've never seen one higher than
17 that. And then of course the ultimate, which is of
18 course disbarment.

19 And in Nevada we've had sort of a kind of an
20 ebb and flow. First it was never -- you know, first
21 it was permanent, then it was determined to be no,
22 you could, you could -- it's not permanent, and then
23 the current state of it right now is is that
24 disbarment is considered permanent.

25 COMMISSIONER MCBEATH: Well, the indefinite

1 suspension would only be until he engaged in and
2 resolved these issues. So but at any rate.

3 COMMISSIONER GARTH: So I guess following
4 up, is the five years and a day, does that count when
5 you have successive suspensions? So if these were
6 done say three years and then a recommendation in
7 this case of only two years, that wouldn't give you
8 the five years and a day. Would you be able to
9 aggregate all of that in terms of a suspension and
10 then say a person has to retake the bar exam if the
11 totality of all three of those cases were considered,
12 or does it have to be five years and a day for any
13 one case?

14 MR. HAHN: Unknown. The math is sound of
15 aggregation, Mr. Garth. I'm following you
16 completely. I've not seen a case that has addressed
17 that issue, so I have to say unknown.

18 COMMISSIONER GARTH: Okay. And under what
19 circumstances then, or does the Supreme Court really
20 not consider disbarment at all, they just want to
21 suspend people and that's it? Because that may also
22 be another underlying problem when somebody --
23 because if somebody doesn't feel that their -- the
24 loss of a license is permanent and unable to be
25 reobtained, then there may be certain, you know,

1 there may not be a disincentive to engage in the
2 conduct.

3 MR. HAHN: Far be it to me to speak from our
4 Supreme Court. I can mention to the panel that I
5 recently had a matter that the Supreme Court took an
6 exacting look at, a panel's recommendations, and they
7 were extremely thorough in their assessment of what
8 was presented. So all I can say is is that there
9 appears to be a legitimate concern that disbarment is
10 permanent in Nevada at this point in time, and those
11 should be looked at with exacting care. That's about
12 all I say, Mr. Garth.

13 COMMISSIONER GARTH: And what do you have to
14 do in order -- I mean, what has the Supreme Court
15 done in terms of permanently disbarring somebody? I
16 mean, what do you have to do in order to qualify for
17 that?

18 MR. HAHN: Again, Mr. Garth, far be for me
19 to speak for our Supreme Court, but I -- the cases
20 that I have seen involving disbarment involve theft
21 of client funds, substantial funds with no
22 restitution.

23 COMMISSIONER GARTH: Got it. Okay.

24 MR. HAHN: Any other questions, gentlemen?
25 I know it's been a long morning and long afternoon,

1 so thank you for your patience.

2 CHAIRMAN SHEETS: Okay. Hearing none, we're
3 going to go into breakout.

4 MR. HAHN: Very well. We're at your --
5 we're at your leisure and your call.

6 CHAIRMAN SHEETS: All right.

7 (A recess was taken.)

8 CHAIRMAN SHEETS: Okay. So we have fought
9 through some technical difficulties, and we've then
10 had a discussion about what to do in the matters of
11 State Bar of Nevada versus Kevin Dennis Holtman,
12 whose Bar Number is 11603, in cases OBC20-1208 and
13 OBC20-1249.

14 What we've done is, after a good bit of
15 discussion, is we have decided to treat these two
16 matters together in terms of our decision. And we
17 have also -- well, we've had a discussion about a
18 case in which Mr. Holtman is involved that's pending
19 in front of the Nevada Supreme Court.

20 We are not -- we have treated these two
21 cases separately from that and are not meaning to
22 accumulate or aggravate our decision in these cases
23 on top of those cases. We're going to leave that up
24 to the Supreme Court and the State Bar to determine
25 how you deal with separate decisions with the same

1 lawyer that seem to deal with the same kinds of
2 issues.

3 So having said that, we are finding that
4 Mr. Holtman, in each of these cases, has
5 intentionally violated Sections 8.1, 1.3, 1.4A and
6 3.2. And 3.2 in particular only has application to
7 Mr. Jasmin's case, which is the second one, but in
8 each of those instances we've had a discussion and we
9 think the conduct, his failing to communicate in his
10 conduct with the court where there were
11 representations about making a false judgment in the
12 Jasmin case and those kinds of things demonstrate
13 that he had intention to, clearly his intention, his
14 intention has not been to participate or cooperate
15 with the State Bar as it tries to investigation these
16 matters. And in the court litigation clearly his
17 intention was to try and mislead the court and
18 mislead his client.

19 So we've also taken into account though as a
20 mitigating factor the fact that he has an absence of,
21 at this point, a public disciplinary record. So
22 we've considered that as well. We've decided that in
23 these consolidated matters we think an appropriate
24 disposition would be a suspension of two years and
25 one day, with the caveat that our recommendation is

1 is that at the end of that period, prior to the
2 Supreme Court reconsidering a petition for
3 reinstatement, that Mr. Holtman take and successfully
4 complete the Nevada bar examination and the character
5 and fitness portion, which is inclusive in the bar
6 exam as well.

7 So, in other words, he's got to take the bar
8 exam and repass it before the -- our recommendation
9 would be before the Supreme Court even consider a
10 petition for reinstatement. And that's not meant to
11 suggest that the Supreme Court at that point would
12 not or should not take into consideration any of the
13 other activities or misdeeds that Mr. Holtman may
14 have been involved in during his practice of law.

15 We've considered the fact that he's a
16 ten-year plus practitioner and as such his conduct is
17 just not justifiable at all.

18 So with that, Mr. Hahn, do you need anything
19 else from us? Let me ask -- let me ask my panel
20 mates first.

21 Adam, do you agree with what I've said?

22 COMMISSIONER GARTH: I do but I just want to
23 clarify for the record that when we're talking about
24 the character and fitness exam, it is not -- it is to
25 retake in addition to the bar exam the Multistate

1 Professional Responsibility exam that would included,
2 not just the professional responsibility question
3 that is mandated as an essay question on the Nevada
4 bar exam. Is that -- is that correct?

5 CHAIRMAN SHEETS: Yes. Yes.

6 Dr. McBeath?

7 COMMISSIONER MCBEATH: I don't have any
8 questions.

9 CHAIRMAN SHEETS: Okay. And you're
10 agreeable to what I've -- what we've --

11 COMMISSIONER MCBEATH: Yes, I do agree.

12 CHAIRMAN SHEETS: Okay. That's good.

13 Bruce, do you need anything else from us?

14 MR. HAHN: I do. Thank you, Chair. Did the
15 panel -- the panel indicated they found the
16 mitigating factor of absence of a disciplinary
17 record, and the panel indicated they found an
18 aggravating factor of substantial experience in the
19 practice of law. The Bar had recommended the finding
20 of four additional aggravators. Did the panel make
21 any ruling on those?

22 CHAIRMAN SHEETS: And, gentlemen, speak up
23 if I misspeak, but we clearly have found a pattern.

24 MR. HAHN: Okay.

25 CHAIRMAN SHEETS: We clearly have agreed in

1 dealing with both of these matters that there are
2 multiple offenses.

3 MR. HAHN: Okay.

4 CHAIRMAN SHEETS: The fact that we have
5 found intentional acts with respect to the standards
6 that we've annunciated should be evidence of our
7 recognition of intentional noncompliance. And I
8 think based on the discussions we had, we didn't
9 specifically state this, but I think I can say that
10 we recognize that at least in the instance of one of
11 the individuals, Mr. Jasmin, that he's a vulnerable
12 victim.

13 MR. HAHN: Very well. That answers that
14 question, Chair. So it sounds like the panel found
15 the five aggravating factors the Bar recommended in
16 addition to the one mitigating factor that the Bar
17 recommended.

18 My next question is is that I appreciate
19 that the panel found the mental state of
20 intentionally for each of the charged violations, and
21 I don't mean to belabor this, but for purposes of me
22 preparing a good order for you, did the panel make an
23 individual finding as to whether or not there was
24 injury, actual versus potential, and then what grade
25 of injury that was for each of the violations?

1 CHAIRMAN SHEETS: Well, on 8.1, failure to
2 respond, it's hard for me to -- it's hard to quantify
3 what the injury is to the Bar, other than the fact
4 that you've had to commit resources and time to deal
5 with the situation that you otherwise should not
6 have. So there certainly has been a degree of injury
7 there, and we recognize that.

8 With respect to lack of diligence with
9 respect to Mr. Kern, accepting the fact that there's
10 no representation to the contrary and no evidence to
11 the contrary, clearly then there has been injury to
12 Mr. Kern in that there's some lost period of time
13 within which actions could have been taken more
14 fastidiously and they were not because of
15 Mr. Holtman's conduct.

16 With respect to a lack of communication
17 particularly with the clients, I don't know how we
18 can conclude anything but the fact that each of the
19 clients was injured because of that lack of
20 communication because each of them was kind of left
21 out in wonderland in terms of their claims for some
22 period of time. So there's at least an injury with
23 respect to time and effort, if not a monetary injury
24 that attaches to that.

25 And finally with the failure to expedite

1 litigation in respect to Mr. Jasmin, it seems pretty
2 clear to us that there is a lost opportunity here
3 which Mr. Jasmin is trying to retrieve. Now, whether
4 he had a legitimate opportunity or not based on kind
5 of what we heard, who knows. But the fact of the
6 matter is that's not the issue, the issue is the fact
7 that his advocate should have acted upon that case,
8 and there's almost an admission by omission by
9 Mr. Holtman when he continually tells the judge he's
10 going to file a default judgment and then doesn't do
11 it. So I guess that's my windy answer to, yeah, we
12 found injury in each one of those instances.

13 MR. HAHN: And then two last things, Chair.
14 I understood the panel to say that these two matters
15 are being treated as an aggravate, two years and a
16 day suspension recommendation, and there's no comment
17 as to whether or not that would impact at all the
18 matter before the Supreme Court. These two are
19 standalone, correct?

20 CHAIRMAN SHEETS: Yeah, we've treated this
21 as a standalone, and we've done that with a great
22 deal of discussion. We've done that primarily for
23 the reason that until the Supreme Court issues an
24 order, there's been no discipline of Mr. Holtman. Do
25 we all think that he's going to be disciplined in the

1 DePedro case that you talked about? We do, but it
2 just doesn't seem -- and this is more my opinion than
3 anything -- it just doesn't seem right to cascade
4 further discipline on top of the case that's not yet
5 finalized.

6 That doesn't mean that, Mr. Hahn, that
7 you're not going to go up there and use all of your
8 persuasive powers to try and suggest to the Supreme
9 Court that these two things ought to be hooked
10 together and treated accordingly.

11 MR. HAHN: Understood, Chair. And then
12 lastly, according to SCR 120(3), I'm recommending
13 that the panel order \$2,500 in costs for the
14 suspension, in addition to our court reporter's
15 appearance and then -- appearance fee and then a
16 transcript fee to be assessed against the respondent.

17 CHAIRMAN SHEETS: And that's done as a
18 matter of course. I assume, Adam and Jo Kent, you
19 don't have any problem with that, so that will be
20 made part of the order as well.

21 MR. HAHN: Very well. I have nothing else,
22 gentlemen. Thank you very much for your time.

23 CHAIRMAN SHEETS: Okay. Just two hours and
24 26 minutes later.

25 COMMISSIONER GARTH: I'm glad it was short.

1 CHAIRMAN SHEETS: All right. Everybody,
2 take care of yourselves. Thank you so much for your
3 time. The Bar appreciates it, too.

4 MR. HAHN: Thank you, everyone.

5 (Thereupon the proceedings
6 were concluded at 1:26 p.m.)

7 * * * * *

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COUNTY OF CLARK)

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STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

KEVIN D. HOLTMAN, ESQ.

File Nos: OBC20-1208 & OBC20-1249

FORMAL HEARING
September 2, 2021 @ 9:00 a.m. via ZOOM

INDEX OF DOCUMENTS

DOCUMENT	PAGE NOS.
Complaint, Designation of Hearing Panel, and Declaration of Mailing Case No. OBC20-1208 Filed May 4, 2021	SBN 001-012
Complaint, Designation of Hearing Panel, and Declaration of Mailing Case No. OBC20-1249 Filed May 4, 2021	SBN 013-025
Notice of Intent to Proceed on a Default Basis Case No. OBC20-1208 Filed May 26, 2021	SBN 026-033
Notice of Intent to Proceed on a Default Basis Case No. OBC20-1249 Filed May 26, 2021	SBN 034-042
Order Appointing Hearing Panel Chair Filed June 30, 2021	SBN 043-044
Notice of Initial Case Conference Filed June 30, 2021	SBN 045-046
Scheduling & Case Consolidation Order at Initial Conference Filed July 7, 2021	SBN 047-050
State Bar of Nevada's Initial Disclosure of Documents and Witnesses Filed July 9, 2021	SBN 051-055
Order Appointing Formal Hearing Panel Filed July 29, 2021	SBN 056-057
Declaration of Service in Support of Entry of Default Filed August 3, 2021	SBN 058-087

Motion for Default Entry Filed August 3, 2021	SBN 088-092
Notice of Formal Hearing Filed August 3, 2021	SBN 093-094
State Bar of Nevada's Final Disclosures of Documents and Witnesses Filed August 3, 2021	SBN 095-098
State Bar's First Supplemental Disclosures of Documents and Witnesses for Formal Hearing Filed August 9, 2021	SBN 099-102
Order of Default Filed August 12, 2021	SBN 103-108
Affidavit of Service- Nationwide Legal Filed August 18, 2021	SBN 109

PANEL

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Adam Garth, Esq., Panel Member
Jo Kent McBeath, Lay Member

Bruce C. Hahn, Esq.
Assistant Bar Counsel

Kevin D. Holtman, Esq.
Respondent

Sonia Del Rio
Hearing Paralegal

Case No: OBC20-1208



STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
KEVIN DENNIS HOLTMAN, Esq.)
Nevada Bar No. 11603)
)
Respondent.)

COMPLAINT

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PLEASE TAKE NOTICE that pursuant to Supreme Court Rule ("SCR") 105(2) a VERIFIED RESPONSE OR ANSWER to this Complaint must be filed with the Office of Bar Counsel, State Bar of Nevada, 3100 W. Charleston Blvd., Ste. 100, Las Vegas, Nevada, 89102, within twenty (20) days of service of this Complaint. Procedure regarding service is addressed in SCR 109.

1 Complainant, State Bar of Nevada ("State Bar"), by and through its Assistant Bar
2 Counsel Bruce C. Hahn, is informed and believes as follows:

3 1. Respondent Attorney Kevin Dennis Holtman, Esq., ("Respondent") is currently
4 an active member of the State Bar of Nevada and at all times pertinent to this complaint had
5 his principal place of business for the practice of law located in Clark County, Nevada. In
6 January 2019, the Respondent reported to the State Bar his SCR 79 contact information as:
7 PO Box 371929, Las Vegas, NV 89137 ("permanent mailing address") and 702.569.4789
8 ("permanent telephone number") and kholtman@holtmanlaw.com ("current email address").

9 2. On or about June 10, 2019, client John Kern ("Kern") retained the Respondent
10 to represent him in a personal injury action against the adverse party who struck his
11 motorcycle from behind while stopped in traffic in Las Vegas on June 4, 2019. Local
12 authorities responded and timely prepared a collision report that identified the parties.

13 3. In November 2019, the Respondent sent a settlement demand letter to a carrier
14 for the rental truck that struck his client Kern. The Respondent spoke with his client several
15 days later. This was the last voice conversation they had.

16 4. Between January 10, 2020 and June 30, 2020, Kern left at least three phone
17 messages and seven texts to the Respondent seeking a status on his claim for damages. Kern
18 did not receive return phone messages or return text messages from the Respondent.

19 5. On July 10, 2020, Kern discovered on his own effort that the rental truck carrier
20 was denying insurance coverage in favor of the adverse driver's personal carrier coverage. On
21 July 11, 2020, Kern terminated the attorney-client relationship with the Respondent via email,
22 based upon his discovery the day prior.

23 6. On July 15, 2020, Kern received a copy of his client file from the Respondent but
24 did not receive the identity and contact information for the adverse driver's primary carrier
25 as he had requested from Respondent.

1 7. Kern's examination of his client file revealed that the Respondent did not send
2 letters of representation to two involved insurance carriers, as Respondent claimed he would
3 do. The Respondent did not trace and identify an involved insurance carrier. Respondent did
4 not obtain all records and expenses from all of Kern's medical providers and/or him prior to
5 sending a demand letter.

6 8. Grievant Kern reported that Respondent has put him at a disadvantage in
7 negotiating a settlement with the proper carrier because of the year-long delay caused by
8 Respondent in not timely and properly identifying the relevant insurance carriers and
9 gathering all his records and related expenses.

10 9. The length of the Respondent's representation of Kern was over one year.

11 10. On November 9, 2020, Kern filed a grievance with the State Bar of Nevada.

12 11. On November 13, 2020, the State Bar sent a Letter of Investigation to the
13 Respondent's SCR 79 permanent mailing address and his SCR 79 email address, seeking
14 Respondent's reply to the Kern grievance. The State Bar received no response from the
15 Respondent.

16 12. On December 3, 2020, the State Bar directed a second Letter of Investigation by
17 regular and certified mail to Respondent's SCR 79 permanent mailing address and his SCR 79
18 email address seeking his reply to the Kern grievance. The State Bar received no response
19 from the Respondent.

20 **COUNT ONE: RPC 8.1 (Bar Admission and Disciplinary Matters)**

21 13. RPC 8.1 states in relevant part:

22 "...a lawyer in connection with...a disciplinary matter, shall not:

23 (b) "...knowingly fail to respond to a lawful demand for information from an admissions
24 or disciplinary authority;..."

25 14. On or about November 13, 2020, the State Bar opened a disciplinary file and

1 investigation into Respondent's professional conduct based upon the Kern grievance. The
2 State Bar sought to communicate with the Respondent in the ensuing months by letter and
3 email, making a lawful demand for information.

4 15. The Respondent failed to:

5 a) Respond to the State Bar's letter of investigation and request for information of
6 November 13, 2020, directed to Respondent's SCR 79 permanent mailing address and/or
7 Respondent's SCR 79 current email address, and/or,

8 b) Respond to the State Bar's letter of investigation and request for information of
9 December 3, 2020, directed to Respondent's SCR 79 permanent mailing address and/or
10 Respondent's SCR 79 current email address.

11 **COUNT TWO: RPC 1.3 (Diligence)**

12 16. RPC 1.3 states: "A lawyer shall act with reasonable diligence and promptness in
13 representing a client."

14 17. On or after June 10, 2019 through July 10, 2020, Respondent failed to act with
15 reasonable diligence and promptness in his representation of Kern by:

16 a) Not diligently and promptly identifying an involved insurance carrier from which
17 Kern might be entitled to compensation and/or,

18 b) Not diligently obtaining all necessary medical records and/or expense totals from
19 Kern's providers or from Kern.

20 **COUNT THREE: RPC 1.4(a) (Communication)**

21 18. RPC 1.4(a) states in relevant part: "(a) A lawyer shall:

22 (3) Keep the client reasonably informed about the status of the matter; (4) Promptly
23 comply with reasonable requests for information;..."

24 19.. On or between January 10, 2020 and June 30, 2020, Respondent failed to keep
25 Kern reasonably informed about the status of his claim and/or promptly reply with reasonable
requests for information from Kern by:

1 a) Not responding to Kern to his three phone messages seeking a status on his claim for
2 damages and/or,

3 b) Not responding to Kern to his seven text messages seeking a status on his claim for
4 damages.

5 **WHEREFORE**, Complainant seeks for relief as follows:

6 1. That a hearing be held pursuant to Nevada Supreme Court Rule 105;

7 2. That Respondent be assessed the costs of the disciplinary proceeding pursuant
8 to SCR 120; and

9 3. That pursuant to SCR 102, such disciplinary action be taken by the Southern
10 Nevada Disciplinary Board against Respondent as may be deemed appropriate under the
11 circumstances.

12 Dated this 4th day of May, 2021.

13 **STATE BAR OF NEVADA**
14 DANIEL M. HOOGE, Bar Counsel

15
16 By: *Bruce Hahn*
17 _____
18 Bruce C. Hahn, Assistant Bar Counsel
19 Nevada Bar No. 5011
20 3100 W. Charleston Blvd., Ste. 100
21 Las Vegas, Nevada, 89102
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Case No.: OBC20-1208



**STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD**

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
KEVIN D. HOLTMAN, ESQ.,)
NEVADA BAR No. 11603)
)
Respondent.)

**DESIGNATION OF
HEARING PANEL MEMBERS**

The following are members of the Disciplinary Board for the Southern District of Nevada. Pursuant to Nevada Supreme Court Rule (SCR) 105, you may issue peremptory challenge to five (5) such individuals by delivering the same in writing to the Office of Bar Counsel within twenty (20) days of service of the complaint.

The Chair of the Southern Nevada Disciplinary Board will thereafter designate a hearing panel of three (3) members of the Disciplinary Board, including at least one member who is not an attorney, to hear the above-captioned matter.

1. Russell E. Marsh, Esq., Chair
2. Dana Palmer Oswalt, Esq., Vice Chair
3. Christopher J. Lalli, Esq., Vice Chair
4. Annette L. Bradley, Esq.
5. John E. Bragonje, Esq.
6. Shemilly A. Briscoe, Esq.

- 1 7. Robert J. Caldwell, Esq.
- 2 8. Jacqueline B. Carman, Esq.
- 3 9. James P. Chrisman, Esq.
- 4 10. Nell E. Christensen, Esq.
- 5 11. Marc P. Cook, Esq.
- 6 12. Ira W. David, Esq.
- 7 13. Damon Dias, Esq.
- 8 14. Sandra K. DiGiacomo, Esq.
- 9 15. F. Thomas Edwards, Esq.
- 10 16. Matthew S. Fox, Esq.
- 11 17. Alan Freer, Esq.
- 12 18. Adam Garth, Esq.
- 13 19. Kelly Giordani, Esq.
- 14 20. Robert G. Giunta, Esq.
- 15 21. Angela Guingcangco, Esq.
- 16 22. Parish D. Heshmati, Esq.
- 17 23. Kenneth E. Hogan, Esq.
- 18 24. Jennifer K. Hostetler, Esq.
- 19 25. Franklin J. Katschke, Esq.
- 20 26. James T. Leavitt, Esq.
- 21 27. Michael B. Lee, Esq.
- 22 28. Anat R. Levy, Esq.
- 23 29. Jennifer R. Lloyd, Esq.
- 24 30. Donald Lowrey, Esq.
- 25 31. Dawn M. Lozano, Esq.

- 1 32. Jason R. Maier, Esq.
- 2 33. Farhan Naqvi, Esq.
- 3 34. Michael J. Oh, Esq.
- 4 35. Brian J. Pezzillo, Esq.
- 5 36. Gary A. Pulliam, Esq.
- 6 37. Paul “Luke” Puschnig, Esq.
- 7 38. Jericho L. Remitio, Esq.
- 8 39. Jarrod L. Rickard, Esq.
- 9 40. Miriam E. Rodriguez, Esq.
- 10 41. Vincent J. Romeo, Esq.
- 11 42. Daniel F. Royal, Esq.
- 12 43. Maria V. Saladino, Esq.
- 13 44. Africa A. Sanchez, Esq.
- 14 45. Jen J. Sarafina, Esq.
- 15 46. Jay A. Shafer, Esq.
- 16 47. Thomas R. Sheets, Esq.
- 17 48. Jeffrey G. Sloane, Esq.
- 18 49. Sarah E. Smith, Esq.
- 19 50. James R. Sweetin, Esq.
- 20 51. Stephen L. Titzer Esq.
- 21 52. Jacob J. Villani, Esq.
- 22 53. Marni Watkins, Esq.
- 23 54. Dan R. Waite, Esq.
- 24 55. Joseph Went, Esq.
- 25 56. Reed J. Werner, Esq.

- 1 57. Natalie Ann Allred, Laymember
- 2 58. Afeni Banks, Laymember
- 3 59. Brian Catlett, Laymember
- 4 60. Kathy Dalvey, Laymember
- 5 61. Alexander Falconi, Laymember
- 6 62. Brittany Falconi, Laymember
- 7 63. Joelyne Gold, Laymember
- 8 64. Elizabeth A. Hanson, Laymember
- 9 65. Jack S. Hegeduis, Laymember
- 10 66. Julia D. Hesmati, Laymember
- 11 67. Nicholas Kho, Laymember
- 12 68. Annette Kingsley, Laymember
- 13 69. Gale Kotlikova, Laymember
- 14 70. Benjamin S. Lurie, Laymember
- 15 71. Jo Kent McBeath, Laymember
- 16 72. Steve Moore, Laymember
- 17 73. Grace Ossowski, Laymember
- 18 74. Peter Ossowski, Laymember
- 19 75. Kellie C. Rubin, Laymember
- 20 76. Vikki L. Seelig, Laymember

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77. Danny Lee Snyder, Jr., Laymember

78. Harvey Weatherford, Laymember

DATED this 4th day of May, 2021.

STATE BAR OF NEVADA
Daniel M. Hooge, Bar Counsel

By: *Bruce Hahn*

Bruce C. Hahn, Assistant Bar Counsel
3100 W. Charleston Blvd, Ste. 100
Las Vegas, Nevada 89102
Phone: (702) 382-2200

Case Nos.: OBC20-1208



FILED

MAY 04 2021

STATE BAR OF NEVADA

BY: D. J. Kelly
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
KEVIN D. HOLTMAN, ESQ.,)
BAR NO. 11603)
Respondent.)

DECLARATION OF MAILING

Sonia Del Rio, under penalty of perjury, being first and duly sworn, deposes
and says as follows:

1. That Declarant is employed with the State Bar of Nevada and, in such capacity,
Declarant is Custodian of Records for the Discipline Department of the State
Bar of Nevada.
2. That Declarant states that the enclosed documents are true and correct copies
of the **COMPLAINT, FIRST DESIGNATION OF HEARING PANEL
MEMBERS, and STATE BAR OF NEVADA'S PEREMPTORY
CHALLENGES** in the matter of the *State Bar of Nevada vs. Kevin D.
Holtman, Esq.*, Case No. OBC20-1208.

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3. That pursuant to Supreme Court Rule 109, the Complaint, First Designation of Hearing Panel Members, and State Bar of Nevada's Peremptory Challenges were served on the following placing copies in an envelope which was then sealed and postage fully prepaid for regular and certified mail, and deposited in the United States mail at Las Vegas, Nevada on **May 4, 2021**, to:

Kevin D. Holtman, Esq.
P.O. Box 371929
Henderson, Nevada 89137
CERTIFIED MAIL RECEIPT: 7021 0350 0001 7810 2876

Kevin D. Holtman, Esq.
9920 Woodhouse Drive
Las Vegas, NV 89134
CERTIFIED MAIL RECEIPT: 7021 0350 0001 7810 2869

And via electronic mail on May 4, 2021 to:

Kevin D. Holtman, Esq.: kholtman@holtmanlaw.com (SCR 79 email)
holtmank@gmail.com (Alternate email address)

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 4th day of May, 2021.

Sonia Del Rio

Sonia Del Rio, an employee
of the State Bar of Nevada



FILED

MAY 04 2021

STATE BAR OF NEVADA
BY: D. J. Jelinek
OFFICE OF BAR COUNSEL

Case No: OBC20-1249

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
KEVIN DENNIS HOLTMAN, Esq.)
Nevada Bar No. 11603)
)
Respondent.)

COMPLAINT

TO: Kevin Dennis Holtman, Esq.
P.O. Box 371929 Las Vegas, NV 89137
(SCR 79 Permanent Mailing address)

Kevin Dennis Holtman, Esq.
kholtman@holtmanlaw.com
(SCR 79 email address)

Kevin Dennis Holtman, Esq.
9920 Woodhouse Drive, Las Vegas, NV 89134
(Alternative address)

PLEASE TAKE NOTICE that pursuant to Supreme Court Rule ("SCR") 105(2) a
VERIFIED RESPONSE OR ANSWER to this Complaint must be filed with the Office of Bar
Counsel, State Bar of Nevada, 3100 W. Charleston Blvd., Ste. 100, Las Vegas, Nevada, 89102,
within twenty (20) days of service of this Complaint. Procedure regarding service is addressed
in SCR 109.

1 Complainant, State Bar of Nevada ("State Bar"), by and through its Assistant Bar
2 Counsel Bruce C. Hahn, is informed and believes as follows:

3 1. Respondent Attorney Kevin Dennis Holtman, Esq., ("Respondent") is currently
4 an active member of the State Bar of Nevada and at all times pertinent to this complaint had
5 his principal place of business for the practice of law located in Clark County, Nevada. In
6 January 2019, the Respondent reported to the State Bar his SCR 79 contact information as:
7 PO Box 371929, Las Vegas, NV 89137 ("permanent mailing address") and 702.569.4789
8 ("permanent telephone number") and kholtman@holtmanlaw.com ("current email address").

9 2. During or before the Summer of 2016, client Bertild Jasmin ("Jasmin") retained
10 Respondent to represent him in a personal injury action stemming from a two-car traffic
11 intersection collision in Las Vegas on April 1, 2016 injuring himself and his spouse ("Pierre").

12 3. On April 20, 2017, an injured vehicle passenger Lal Mohammad ("Mohammad")
13 filed a complaint in Clark County District Court against his vehicle's driver ("Aqa"), his
14 vehicle's owner ("Salam") and the adverse vehicle driven by grievant Jasmin.

15 4. On November 29, 2018, the matter went to arbitration with only plaintiff-
16 passenger Mohammad and defendant-adverse vehicle operator Jasmin appearing in person
17 and offering testimony. The arbitrator issued a written finding against Aqa. The arbitrator
18 found that Jasmin was "not negligent or at fault" for the collision and Jasmin gave "credible
19 testimony."

20 5. On April 1, 2018, the Respondent filed a Complaint in Clark County District
21 Court in A-18-772071-C on behalf of Jasmin and his spouse Pierre against adverse driver Aqa.

22 6. On August 1, 2018, the Respondent filed a motion seeking a time extension to
23 serve the Summons and Complaint, pleading that attempts to serve the defendant Aqa had
24 been unsuccessful.

25 7. During 2019 through February 2020, Jasmin frequently phoned Respondent to
obtain a status on his claim. For some short periods of time, Jasmin would "phone him

1 [Respondent] almost every day.” The Respondent did not return the majority of phone calls
2 that Jasmin placed to him.

3 8. The February 4, 2020 Court docket minutes in A-18-772071-C in “Bertlid [sic]
4 Jasmin and Angelique Pierre vs. Mohammad Lal” [sic] state: “Court noted there had been no
5 activity in this case since July 2019. Mr. Holtman advised they are filing a default this week
6 and stated he had spoken with his clients to work out some issues. COURT SO NOTED.”

7 9. On or about March 5, 2020, Jasmin spoke with the Respondent who stated: “I
8 am going to court in about 3 months with the insurance company” and would soon inform him
9 of when he “would receive insurance money.”

10 10. Jasmin later received a text from Respondent stating “I will be filing a motion to
11 withdraw from representing you. Please provide a current mailing address so I can send your
12 file to you. I will no longer be your attorney.” Jasmin later received his client file “with hardly
13 anything in it.”

14 11. The Grievant never received any compensation for his claim and the Respondent
15 did not file a motion with withdraw as counsel.

16 12. On or about November 18, 2020, Jasmin filed a grievance with the State Bar of
17 Nevada.

18 13. On or after December 3, 2020, State Bar Paralegal Investigator Laura Peters
19 conducted an online search of the court docket in A-18-772071-C. The court docket does not
20 reflect that Respondent filed a Motion to Withdraw as counsel.

21 14. On December 3, 2020, the State Bar directed a Letter of Investigation to
22 Respondent’s SCR 79 permanent mailing address and his SCR 79 current email address
23 seeking his reply to the Jasmin grievance. The State Bar received no response from the
24 Respondent.

25 ///

1 15. On February 9, 2021, State Bar Paralegal Investigator left a voice mail message
2 seeking the Respondent's reply to the State Bar, placed to a phone number (not SCR 79
3 registered) for the Respondent, provided by Grievant Jasmin. The recorded voice mail
4 message identified the "Holtman Law Office." The State Bar received no response from the
5 Respondent.

6 **COUNT ONE: RPC 8.1 (Bar Admission and Disciplinary Matters)**

7 16. RPC 8.1 states in relevant part:

8 "...a lawyer in connection with...a disciplinary matter, shall not:

9 (b) ...knowingly fail to respond to a lawful demand for information from an admissions
10 or disciplinary authority;..."

11 17. On or about December 3, 2020, the State Bar opened a disciplinary file and
12 investigation into Respondent's professional conduct based upon the Jasmin grievance. The
13 State Bar sought to communicate with the Respondent in the ensuing months by letter,
14 telephone, and email making a lawful demand for information.

15 18. The Respondent failed to:

16 a) Respond to the State Bar's letter of investigation and request for information of
17 December 3, 2020, directed to Respondent's SCR 79 permanent mailing address and/or
18 Respondent's SCR 79 current email address, and/or,

19 b) Respond to the State Bar's voice mail message request for information of February
20 9, 2021, directed to Respondent's alternate phone number.

21 **COUNT TWO: RPC 1.3 (Diligence)**

22 19. RPC 1.3 states: "A lawyer shall act with reasonable diligence and promptness in
23 representing a client."

24 20. On or after February 4, 2020, Respondent failed to act with reasonable diligence
25 and promptness in his representation of Jasmine and/or Pierre by:

1 a) Not pursuing a default judgment against Aqa as Respondent represented to the court,
2 as identified in the court minutes and/or,

3 b) Not seeking to withdraw as counsel of record as he claimed to Jasmin he would.

4 **COUNT THREE: RPC 1.4(a) (Communication)**

5 21. RPC 1.4 states in relevant part: “(a) A lawyer shall:

6 (3) Keep the client reasonably informed about the status of the matter; (4) Promptly
7 comply with reasonable requests for information.”

8 22. During periods of 2019, through February 2020, the Respondent failed to keep
9 Jasmin reasonably informed about his claim status and/or failed to comply with reasonable
10 requests for information by Jasmin to obtain a status on his claim, by not promptly responding
11 to Jasmin’s phone calls seeking information on the status of his personal injury claim for him
12 and/or his spouse Pierre.

13 **COUNT FOUR: RPC 3.2(a) (Expediting Litigation)**

14 23. RPC 3.2(a) states: “A lawyer shall make reasonable efforts to expedite litigation
15 consistent with the interests of the client.”

16 24. After February 4, 2020, the Respondent failed to make reasonable efforts to
17 expedite litigation by:

18 a) not seeking default against the adverse party in A-18-772071-C as he represented to
19 the court that he would do, and/or,

20 b) failing to seek to withdraw from representation in A-18-772071-C allowing client
21 Jasmin to more freely obtain new counsel and proceed with his claim in court.

22 **WHEREFORE**, Complainant seeks for relief as follows:

- 23 1. That a hearing be held pursuant to Nevada Supreme Court Rule 105;
24 2. That Respondent be assessed the costs of the disciplinary proceeding pursuant
25 to SCR 120; and

3. That pursuant to SCR 102, such disciplinary action be taken by the Southern Nevada Disciplinary Board against Respondent as may be deemed appropriate under the circumstances.

Dated this 4th day of May, 2021.

STATE BAR OF NEVADA
DANIEL M. HOOGE, Bar Counsel

By: *Bruce Hahn*

Bruce C. Hahn, Assistant Bar Counsel
Nevada Bar No. 5011
3100 W. Charleston Blvd., Ste. 100
Las Vegas, Nevada, 89102



FILED

MAY 04 2021

STATE BAR OF NEVADA
BY: D. J. Lalli
OFFICE OF BAR COUNSEL

**STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD**

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
KEVIN D. HOLTMAN, ESQ.,)
NEVADA BAR No. 11603)
Respondent.)

**DESIGNATION OF
HEARING PANEL MEMBERS**

The following are members of the Disciplinary Board for the Southern District of Nevada. Pursuant to Nevada Supreme Court Rule (SCR) 105, you may issue peremptory challenge to five (5) such individuals by delivering the same in writing to the Office of Bar Counsel within twenty (20) days of service of the complaint.

The Chair of the Southern Nevada Disciplinary Board will thereafter designate a hearing panel of three (3) members of the Disciplinary Board, including at least one member who is not an attorney, to hear the above-captioned matter.

1. Russell E. Marsh, Esq., Chair
2. Dana Palmer Oswalt, Esq., Vice Chair
3. Christopher J. Lalli, Esq., Vice Chair
4. Annette L. Bradley, Esq.
5. John E. Bragonje, Esq.
6. Shemilly A. Briscoe, Esq.

- 1 7. Robert J. Caldwell, Esq.
- 2 8. Jacqueline B. Carman, Esq.
- 3 9. James P. Chrisman, Esq.
- 4 10. Nell E. Christensen, Esq.
- 5 11. Marc P. Cook, Esq.
- 6 12. Ira W. David, Esq.
- 7 13. Damon Dias, Esq.
- 8 14. Sandra K. DiGiacomo, Esq.
- 9 15. F. Thomas Edwards, Esq.
- 10 16. Matthew S. Fox, Esq.
- 11 17. Alan Freer, Esq.
- 12 18. Adam Garth, Esq.
- 13 19. Kelly Giordani, Esq.
- 14 20. Robert G. Giunta, Esq.
- 15 21. Angela Guingcangco, Esq.
- 16 22. Parish D. Heshmati, Esq.
- 17 23. Kenneth E. Hogan, Esq.
- 18 24. Jennifer K. Hostetler, Esq.
- 19 25. Franklin J. Katschke, Esq.
- 20 26. James T. Leavitt, Esq.
- 21 27. Michael B. Lee, Esq.
- 22 28. Anat R. Levy, Esq.
- 23 29. Jennifer R. Lloyd, Esq.
- 24 30. Donald Lowrey, Esq.
- 25 31. Dawn M. Lozano, Esq.

- 1 32. Jason R. Maier, Esq.
- 2 33. Farhan Naqvi, Esq.
- 3 34. Michael J. Oh, Esq.
- 4 35. Brian J. Pezzillo, Esq.
- 5 36. Gary A. Pulliam, Esq.
- 6 37. Paul “Luke” Puschnig, Esq.
- 7 38. Jericho L. Remitio, Esq.
- 8 39. Jarrod L. Rickard, Esq.
- 9 40. Miriam E. Rodriguez, Esq.
- 10 41. Vincent J. Romeo, Esq.
- 11 42. Daniel F. Royal, Esq.
- 12 43. Maria V. Saladino, Esq.
- 13 44. Africa A. Sanchez, Esq.
- 14 45. Jen J. Sarafina, Esq.
- 15 46. Jay A. Shafer, Esq.
- 16 47. Thomas R. Sheets, Esq.
- 17 48. Jeffrey G. Sloane, Esq.
- 18 49. Sarah E. Smith, Esq.
- 19 50. James R. Sweetin, Esq.
- 20 51. Stephen L. Titzer Esq.
- 21 52. Jacob J. Villani, Esq.
- 22 53. Marni Watkins, Esq.
- 23 54. Dan R. Waite, Esq.
- 24 55. Joseph Went, Esq.
- 25 56. Reed J. Werner, Esq.

- 1 57. Natalie Ann Allred, Laymember
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- 3 59. Brian Catlett, Laymember
- 4 60. Kathy Dalvey, Laymember
- 5 61. Alexander Falconi, Laymember
- 6 62. Brittany Falconi, Laymember
- 7 63. Joelyne Gold, Laymember
- 8 64. Elizabeth A. Hanson, Laymember
- 9 65. Jack S. Hegeduis, Laymember
- 10 66. Julia D. Hesmati, Laymember
- 11 67. Nicholas Kho, Laymember
- 12 68. Annette Kingsley, Laymember
- 13 69. Gale Kotlikova, Laymember
- 14 70. Benjamin S. Lurie, Laymember
- 15 71. Jo Kent McBeath, Laymember
- 16 72. Steve Moore, Laymember
- 17 73. Grace Ossowski, Laymember
- 18 74. Peter Ossowski, Laymember
- 19 75. Kellie C. Rubin, Laymember
- 20 76. Vikki L. Seelig, Laymember

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77. Danny Lee Snyder, Jr., Laymember

78. Harvey Weatherford, Laymember

DATED this 4th day of May, 2021.

STATE BAR OF NEVADA
Daniel M. Hooge, Bar Counsel

By: *Bruce Hahn*

Bruce C. Hahn, Assistant Bar Counsel
3100 W. Charleston Blvd, Ste. 100
Las Vegas, Nevada 89102
Phone: (702) 382-2200



FILED

MAY 04 2021

STATE BAR OF NEVADA
BY: D. Jelinek
OFFICE OF BAR COUNSEL

Case Nos.: OBC20-1249

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
KEVIN D. HOLTMAN, ESQ.,)
BAR NO. 11603)
)
Respondent.)

DECLARATION OF MAILING

Sonia Del Rio, under penalty of perjury, being first and duly sworn, deposes
and says as follows:

1. That Declarant is employed with the State Bar of Nevada and, in such capacity,
Declarant is Custodian of Records for the Discipline Department of the State
Bar of Nevada.
2. That Declarant states that the enclosed documents are true and correct copies
of the **COMPLAINT, FIRST DESIGNATION OF HEARING PANEL
MEMBERS, and STATE BAR OF NEVADA'S PEREMPTORY
CHALLENGES** in the matter of the *State Bar of Nevada vs. Kevin D.
Holtman, Esq.*, Case No. OBC20-1249.

3. That pursuant to Supreme Court Rule 109, the Complaint, First Designation of Hearing Panel Members, and State Bar of Nevada's Peremptory Challenges were served on the following placing copies in an envelope which was then sealed and postage fully prepaid for regular and certified mail, and deposited in the United States mail at Las Vegas, Nevada on **May 4, 2021**, to:

Kevin D. Holtman, Esq.
P.O. Box 371929
Henderson, Nevada 89137
CERTIFIED MAIL RECEIPT: 7021 0350 0001 7810 2852

Kevin D. Holtman, Esq.
9920 Woodhouse Drive
Las Vegas, NV 89134
CERTIFIED MAIL RECEIPT: 7021 0350 0001 7810 2845

And via electronic mail on May 4, 2021 to:

Kevin D. Holtman, Esq.: kholtman@holtmanlaw.com (SCR 79 email)
holtmank@gmail.com (Alternate email address)

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 4th day of May, 2021.

Sonia Del Rio

**Sonia Del Rio, an employee
of the State Bar of Nevada**



FILED

MAY 26 2021

STATE BAR OF NEVADA
BY: [Signature]
OFFICE OF BAR COUNSEL

Case No.: OBC20-1208

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
KEVIN DENNIS HOLTMAN, ESQ.,)
Nevada Bar No. 11603)
)
Respondent.)

**NOTICE OF INTENT TO
PROCEED ON A DEFAULT BASIS**

PLEASE TAKE NOTICE THAT unless the State Bar receives a responsive pleading in the above-captioned matter by June 16, 2021, it will proceed on a default basis and ***the charges against you in the Complaint shall be deemed admitted.*** Supreme Court Rule 105 (2) states in relevant part:

A copy of the complaint shall be served on the attorney and it shall direct that a verified response or answer be served on bar counsel within 20 days of service . . . In the event the attorney fails to plead, **the charges shall be deemed admitted**; provided, however, that an attorney who fails to respond within the time provided may thereafter obtain permission of the appropriate disciplinary board chair to do so, if failure to file is attributable to mistake, inadvertence, surprise, or excusable neglect. (Emphasis added.)

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1 Additional copies of the Complaint previously served upon you, and the First Designation of
2 Hearing Panel Members, accompanies this Notice.

3 Dated this 26th day of May 2021.

4 **STATE BAR OF NEVADA**
5 **DANIEL M. HOOGE, BAR COUNSEL**

6 By: Bruce Hahn
7 Bruce C. Hahn, Assistant Bar Counsel
8 Nevada Bar No. 5011
9 3100 W. Charleston Blvd, Ste. 100
10 Las Vegas, Nevada 89102
11 Phone: (702) 382-2200
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1 **CERTIFICATE OF SERVICE BY MAIL**

2 The undersigned hereby certifies a true and correct copy of the foregoing **NOTICE OF**
3 **INTENT TO PROCEED ON A DEFAULT BASIS AND COMPLAINT** was deposited in the
4 United States Mail at Las Vegas, Nevada, postage fully pre-paid thereon for first-class regular mail
5 and certified mail, return receipt requested, addressed to:

6 Kevin Dennis Holtman, Esq.
7 Law Office of Kevin D. Holtman
8 PO Box 371929
9 Las Vegas, NV 89137
10 **CERTIFIED MAIL RECEIPT NO. 7020 0640 0002 2671 3154**
11 *SCR 79 Address*

12 *And:*

13 Kevin Dennis Holtman, Esq.
14 9920 Woodhouse Drive
15 Las Vegas, NV 89134
16 **CERTIFIED MAIL RECEIPT NO.: 7020 0640 0002 2671 3147**
17 *Alternate Address*

18 *And:*

19 Kevin Dennis Holtman, Esq.
20 10697 W. Centennial Pkwy., #1125
21 Las Vegas, NV 89166
22 **CERTIFIED MAIL RECEIPT NO.: 7020 0640 0002 2671 3130**
23 *Alternate Address*

24 **And via email to:**

- 25 1. Kevin Dennis Holtman, Esq. (Respondent): kholtman@holtmanlaw.com
2. Bruce C. Hahn, Esq. (Assistant Bar Counsel): bruceh@nvbar.org

DATED this 26th day of May 2021.

Sonia Del Rio

Sonia Del Rio, an employee of
the State Bar of Nevada.

Case No: OBC20-1208



STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
KEVIN DENNIS HOLTMAN, Esq.)
Nevada Bar No. 11603)
)
Respondent.)

COMPLAINT

TO: Kevin Dennis Holtman, Esq.
P.O. Box 371929 Las Vegas, NV 89137
(SCR 79 Permanent Mailing address)

Kevin Dennis Holtman, Esq.
kholtman@holtmanlaw.com
(SCR 79 email address)

Kevin Dennis Holtman, Esq.
9920 Woodhouse Drive, Las Vegas, NV 89134
(Alternate address)

PLEASE TAKE NOTICE that pursuant to Supreme Court Rule ("SCR") 105(2) a VERIFIED RESPONSE OR ANSWER to this Complaint must be filed with the Office of Bar Counsel, State Bar of Nevada, 3100 W. Charleston Blvd., Ste. 100, Las Vegas, Nevada, 89102, within twenty (20) days of service of this Complaint. Procedure regarding service is addressed in SCR 109.

1 Complainant, State Bar of Nevada ("State Bar"), by and through its Assistant Bar
2 Counsel Bruce C. Hahn, is informed and believes as follows:

3 1. Respondent Attorney Kevin Dennis Holtman, Esq., ("Respondent") is currently
4 an active member of the State Bar of Nevada and at all times pertinent to this complaint had
5 his principal place of business for the practice of law located in Clark County, Nevada. In
6 January 2019, the Respondent reported to the State Bar his SCR 79 contact information as:
7 PO Box 371929, Las Vegas, NV 89137 ("permanent mailing address") and 702.569.4789
8 ("permanent telephone number") and kholtman@holtmanlaw.com ("current email address").

9 2. On or about June 10, 2019, client John Kern ("Kern") retained the Respondent
10 to represent him in a personal injury action against the adverse party who struck his
11 motorcycle from behind while stopped in traffic in Las Vegas on June 4, 2019. Local
12 authorities responded and timely prepared a collision report that identified the parties.

13 3. In November 2019, the Respondent sent a settlement demand letter to a carrier
14 for the rental truck that struck his client Kern. The Respondent spoke with his client several
15 days later. This was the last voice conversation they had.

16 4. Between January 10, 2020 and June 30, 2020, Kern left at least three phone
17 messages and seven texts to the Respondent seeking a status on his claim for damages. Kern
18 did not receive return phone messages or return text messages from the Respondent.

19 5. On July 10, 2020, Kern discovered on his own effort that the rental truck carrier
20 was denying insurance coverage in favor of the adverse driver's personal carrier coverage. On
21 July 11, 2020, Kern terminated the attorney-client relationship with the Respondent via email,
22 based upon his discovery the day prior.

23 6. On July 15, 2020, Kern received a copy of his client file from the Respondent but
24 did not receive the identity and contact information for the adverse driver's primary carrier
25 as he had requested from Respondent.

1 7. Kern's examination of his client file revealed that the Respondent did not send
2 letters of representation to two involved insurance carriers, as Respondent claimed he would
3 do. The Respondent did not trace and identify an involved insurance carrier. Respondent did
4 not obtain all records and expenses from all of Kern's medical providers and/or him prior to
5 sending a demand letter.

6 8. Grievant Kern reported that Respondent has put him at a disadvantage in
7 negotiating a settlement with the proper carrier because of the year-long delay caused by
8 Respondent in not timely and properly identifying the relevant insurance carriers and
9 gathering all his records and related expenses.

10 9. The length of the Respondent's representation of Kern was over one year.

11 10. On November 9, 2020, Kern filed a grievance with the State Bar of Nevada.

12 11. On November 13, 2020, the State Bar sent a Letter of Investigation to the
13 Respondent's SCR 79 permanent mailing address and his SCR 79 email address, seeking
14 Respondent's reply to the Kern grievance. The State Bar received no response from the
15 Respondent.

16 12. On December 3, 2020, the State Bar directed a second Letter of Investigation by
17 regular and certified mail to Respondent's SCR 79 permanent mailing address and his SCR 79
18 email address seeking his reply to the Kern grievance. The State Bar received no response
19 from the Respondent.

20 **COUNT ONE: RPC 8.1 (Bar Admission and Disciplinary Matters)**

21 13. RPC 8.1 states in relevant part:

22 "...a lawyer in connection with...a disciplinary matter, shall not:

23 (b) "...knowingly fail to respond to a lawful demand for information from an admissions
24 or disciplinary authority;..."

25 14. On or about November 13, 2020, the State Bar opened a disciplinary file and

1 investigation into Respondent's professional conduct based upon the Kern grievance. The
2 State Bar sought to communicate with the Respondent in the ensuing months by letter and
3 email, making a lawful demand for information.

4 15. The Respondent failed to:

5 a) Respond to the State Bar's letter of investigation and request for information of
6 November 13, 2020, directed to Respondent's SCR 79 permanent mailing address and/or
7 Respondent's SCR 79 current email address, and/or,

8 b) Respond to the State Bar's letter of investigation and request for information of
9 December 3, 2020, directed to Respondent's SCR 79 permanent mailing address and/or
10 Respondent's SCR 79 current email address.

11 **COUNT TWO: RPC 1.3 (Diligence)**

12 16. RPC 1.3 states: "A lawyer shall act with reasonable diligence and promptness in
13 representing a client."

14 17. On or after June 10, 2019 through July 10, 2020, Respondent failed to act with
15 reasonable diligence and promptness in his representation of Kern by:

16 a) Not diligently and promptly identifying an involved insurance carrier from which
17 Kern might be entitled to compensation and/or,

18 b) Not diligently obtaining all necessary medical records and/or expense totals from
19 Kern's providers or from Kern.

20 **COUNT THREE: RPC 1.4(a) (Communication)**

21 18. RPC 1.4(a) states in relevant part: "(a) A lawyer shall:

22 (3) Keep the client reasonably informed about the status of the matter; (4) Promptly
23 comply with reasonable requests for information;..."

24 19.. On or between January 10, 2020 and June 30, 2020, Respondent failed to keep
25 Kern reasonably informed about the status of his claim and/or promptly reply with reasonable
requests for information from Kern by:

1 a) Not responding to Kern to his three phone messages seeking a status on his claim for
2 damages and/or,

3 b) Not responding to Kern to his seven text messages seeking a status on his claim for
4 damages.

5 **WHEREFORE**, Complainant seeks for relief as follows:

6 1. That a hearing be held pursuant to Nevada Supreme Court Rule 105;

7 2. That Respondent be assessed the costs of the disciplinary proceeding pursuant
8 to SCR 120; and

9 3. That pursuant to SCR 102, such disciplinary action be taken by the Southern
10 Nevada Disciplinary Board against Respondent as may be deemed appropriate under the
11 circumstances.

12 Dated this 4th day of May, 2021.

13 **STATE BAR OF NEVADA**
14 DANIEL M. HOOGE, Bar Counsel

15
16 By: *Bruce Hahn*
17 _____
18 Bruce C. Hahn, Assistant Bar Counsel
19 Nevada Bar No. 5011
20 3100 W. Charleston Blvd., Ste. 100
21 Las Vegas, Nevada, 89102
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25



FILED

MAY 26 2021

STATE BAR OF NEVADA
BY: *[Signature]*
OFFICE OF BAR COUNSEL

Case No.: OBC20-1249

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
KEVIN DENNIS HOLTMAN, ESQ.,)
Nevada Bar No. 11603)
)
Respondent.)

**NOTICE OF INTENT TO
PROCEED ON A DEFAULT BASIS**

PLEASE TAKE NOTICE THAT unless the State Bar receives a responsive pleading in the above-captioned matter by June 16, 2021, it will proceed on a default basis and *the charges against you in the Complaint shall be deemed admitted*. Supreme Court Rule 105 (2) states in relevant part:

A copy of the complaint shall be served on the attorney and it shall direct that a verified response or answer be served on bar counsel within 20 days of service . . . In the event the attorney fails to plead, **the charges shall be deemed admitted**; provided, however, that an attorney who fails to respond within the time provided may thereafter obtain permission of the appropriate disciplinary board chair to do so, if failure to file is attributable to mistake, inadvertence, surprise, or excusable neglect. (Emphasis added.)

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1 Additional copies of the Complaint previously served upon you, and the First Designation of
2 Hearing Panel Members, accompanies this Notice.

3 Dated this 26th day of May 2021.

4 **STATE BAR OF NEVADA**
5 **DANIEL M. HOOGE, BAR COUNSEL**

6 By: Bruce Hahn
7 Bruce C. Hahn, Assistant Bar Counsel
8 Nevada Bar No. 5011
9 3100 W. Charleston Blvd, Ste. 100
10 Las Vegas, Nevada 89102
11 Phone: (702) 382-2200
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FILED

MAY 04 2021

STATE BAR OF NEVADA
BY: D. J. Jelinek
OFFICE OF BAR COUNSEL

Case No: OBC20-1249

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
KEVIN DENNIS HOLTMAN, Esq.)
Nevada Bar No. 11603)
)
Respondent.)

COMPLAINT

TO: Kevin Dennis Holtman, Esq.
P.O. Box 371929 Las Vegas, NV 89137
(SCR 79 Permanent Mailing address)

Kevin Dennis Holtman, Esq.
kholtman@holtmanlaw.com
(SCR 79 email address)

Kevin Dennis Holtman, Esq.
9920 Woodhouse Drive, Las Vegas, NV 89134
(Alternative address)

PLEASE TAKE NOTICE that pursuant to Supreme Court Rule ("SCR") 105(2) a
VERIFIED RESPONSE OR ANSWER to this Complaint must be filed with the Office of Bar
Counsel, State Bar of Nevada, 3100 W. Charleston Blvd., Ste. 100, Las Vegas, Nevada, 89102,
within twenty (20) days of service of this Complaint. Procedure regarding service is addressed
in SCR 109.

1 Complainant, State Bar of Nevada ("State Bar"), by and through its Assistant Bar
2 Counsel Bruce C. Hahn, is informed and believes as follows:

3 1. Respondent Attorney Kevin Dennis Holtman, Esq., ("Respondent") is currently
4 an active member of the State Bar of Nevada and at all times pertinent to this complaint had
5 his principal place of business for the practice of law located in Clark County, Nevada. In
6 January 2019, the Respondent reported to the State Bar his SCR 79 contact information as:
7 PO Box 371929, Las Vegas, NV 89137 ("permanent mailing address") and 702.569.4789
8 ("permanent telephone number") and kholtman@holtmanlaw.com ("current email address").

9 2. During or before the Summer of 2016, client Bertild Jasmin ("Jasmin") retained
10 Respondent to represent him in a personal injury action stemming from a two-car traffic
11 intersection collision in Las Vegas on April 1, 2016 injuring himself and his spouse ("Pierre").

12 3. On April 20, 2017, an injured vehicle passenger Lal Mohammad ("Mohammad")
13 filed a complaint in Clark County District Court against his vehicle's driver ("Aqa"), his
14 vehicle's owner ("Salam") and the adverse vehicle driven by grievant Jasmin.

15 4. On November 29, 2018, the matter went to arbitration with only plaintiff-
16 passenger Mohammad and defendant-adverse vehicle operator Jasmin appearing in person
17 and offering testimony. The arbitrator issued a written finding against Aqa. The arbitrator
18 found that Jasmin was "not negligent or at fault" for the collision and Jasmin gave "credible
19 testimony."

20 5. On April 1, 2018, the Respondent filed a Complaint in Clark County District
21 Court in A-18-772071-C on behalf of Jasmin and his spouse Pierre against adverse driver Aqa.

22 6. On August 1, 2018, the Respondent filed a motion seeking a time extension to
23 serve the Summons and Complaint, pleading that attempts to serve the defendant Aqa had
24 been unsuccessful.

25 7. During 2019 through February 2020, Jasmin frequently phoned Respondent to
obtain a status on his claim. For some short periods of time, Jasmin would "phone him

1 [Respondent] almost every day.” The Respondent did not return the majority of phone calls
2 that Jasmin placed to him.

3 8. The February 4, 2020 Court docket minutes in A-18-772071-C in “Bertlid [sic]
4 Jasmin and Angelique Pierre vs. Mohammad Lal” [sic] state: “Court noted there had been no
5 activity in this case since July 2019. Mr. Holtman advised they are filing a default this week
6 and stated he had spoken with his clients to work out some issues. COURT SO NOTED.”

7 9. On or about March 5, 2020, Jasmin spoke with the Respondent who stated: “I
8 am going to court in about 3 months with the insurance company” and would soon inform him
9 of when he “would receive insurance money.”

10 10. Jasmin later received a text from Respondent stating “I will be filing a motion to
11 withdraw from representing you. Please provide a current mailing address so I can send your
12 file to you. I will no longer be your attorney.” Jasmin later received his client file “with hardly
13 anything in it.”

14 11. The Grievant never received any compensation for his claim and the Respondent
15 did not file a motion with withdraw as counsel.

16 12. On or about November 18, 2020, Jasmin filed a grievance with the State Bar of
17 Nevada.

18 13. On or after December 3, 2020, State Bar Paralegal Investigator Laura Peters
19 conducted an online search of the court docket in A-18-772071-C. The court docket does not
20 reflect that Respondent filed a Motion to Withdraw as counsel.

21 14. On December 3, 2020, the State Bar directed a Letter of Investigation to
22 Respondent’s SCR 79 permanent mailing address and his SCR 79 current email address
23 seeking his reply to the Jasmin grievance. The State Bar received no response from the
24 Respondent.

25 ///

1 15. On February 9, 2021, State Bar Paralegal Investigator left a voice mail message
2 seeking the Respondent's reply to the State Bar, placed to a phone number (not SCR 79
3 registered) for the Respondent, provided by Grievant Jasmin. The recorded voice mail
4 message identified the "Holtman Law Office." The State Bar received no response from the
5 Respondent.

6 **COUNT ONE: RPC 8.1 (Bar Admission and Disciplinary Matters)**

7 16. RPC 8.1 states in relevant part:

8 "...a lawyer in connection with...a disciplinary matter, shall not:

9 (b) ...knowingly fail to respond to a lawful demand for information from an admissions
10 or disciplinary authority;..."

11 17. On or about December 3, 2020, the State Bar opened a disciplinary file and
12 investigation into Respondent's professional conduct based upon the Jasmin grievance. The
13 State Bar sought to communicate with the Respondent in the ensuing months by letter,
14 telephone, and email making a lawful demand for information.

15 18. The Respondent failed to:

16 a) Respond to the State Bar's letter of investigation and request for information of
17 December 3, 2020, directed to Respondent's SCR 79 permanent mailing address and/or
18 Respondent's SCR 79 current email address, and/or,

19 b) Respond to the State Bar's voice mail message request for information of February
20 9, 2021, directed to Respondent's alternate phone number.

21 **COUNT TWO: RPC 1.3 (Diligence)**

22 19. RPC 1.3 states: "A lawyer shall act with reasonable diligence and promptness in
23 representing a client."

24 20. On or after February 4, 2020, Respondent failed to act with reasonable diligence
25 and promptness in his representation of Jasmine and/or Pierre by:

1 a) Not pursuing a default judgment against Aqa as Respondent represented to the court,
2 as identified in the court minutes and/or,

3 b) Not seeking to withdraw as counsel of record as he claimed to Jasmin he would.

4 **COUNT THREE: RPC 1.4(a) (Communication)**

5 21. RPC 1.4 states in relevant part: "(a) A lawyer shall:

6 (3) Keep the client reasonably informed about the status of the matter; (4) Promptly
7 comply with reasonable requests for information."

8 22. During periods of 2019, through February 2020, the Respondent failed to keep
9 Jasmin reasonably informed about his claim status and/or failed to comply with reasonable
10 requests for information by Jasmin to obtain a status on his claim, by not promptly responding
11 to Jasmin's phone calls seeking information on the status of his personal injury claim for him
12 and/or his spouse Pierre.

13 **COUNT FOUR: RPC 3.2(a) (Expediting Litigation)**

14 23. RPC 3.2(a) states: "A lawyer shall make reasonable efforts to expedite litigation
15 consistent with the interests of the client."

16 24. After February 4, 2020, the Respondent failed to make reasonable efforts to
17 expedite litigation by:

18 a) not seeking default against the adverse party in A-18-772071-C as he represented to
19 the court that he would do, and/or,

20 b) failing to seek to withdraw from representation in A-18-772071-C allowing client
21 Jasmin to more freely obtain new counsel and proceed with his claim in court.

22 **WHEREFORE**, Complainant seeks for relief as follows:

- 23 1. That a hearing be held pursuant to Nevada Supreme Court Rule 105;
24 2. That Respondent be assessed the costs of the disciplinary proceeding pursuant
25 to SCR 120; and

3. That pursuant to SCR 102, such disciplinary action be taken by the Southern Nevada Disciplinary Board against Respondent as may be deemed appropriate under the circumstances.

Dated this 4th day of May, 2021.

STATE BAR OF NEVADA
DANIEL M. HOOGE, Bar Counsel

By: *Bruce Hahn*

Bruce C. Hahn, Assistant Bar Counsel
Nevada Bar No. 5011
3100 W. Charleston Blvd., Ste. 100
Las Vegas, Nevada, 89102



FILED

JUN 30 2021

STATE BAR OF NEVADA

BY: [Signature]
OFFICE OF BAR COUNSEL

Case Nos: OBC20-1208

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

KEVIN HOLTMAN, ESQ.

NV BAR No. 11603

Respondent.

**ORDER APPOINTING
HEARING PANEL CHAIR**

IT IS HEREBY ORDERED that the following member of the Southern Nevada
Disciplinary Board has been designated and as the Hearing Panel Chair.

1. Nell Christensen, Esq., Chair

DATED this 29 day of June, 2021.

STATE BAR OF NEVADA

By: Russell E. Marsh
Russell E. Marsh (Jun 30, 2021 08:54 PDT)
Russell E. Marsh, Esq.
Nevada Bar No. 11198
Chair, Southern Nevada Disciplinary Board

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CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **ORDER**
APPOINTING HEARING PANEL CHAIR was deposited via electronic mail to:

1. Nell Christensen, Esq. (Panel Chair): nell.christensen@clarkcountyda.com
2. Kevin Holtman, Esq. (Respondent): kholtman@holtmanlaw.com (SCR 79 Email)
holtmank@gmail.com (Alternate Email)
3. Bruce Hahn (Assistant Bar Counsel): bruceh@nvbar.org

Dated this 30th day of June 2021.

Sonia Del Rio

Sonia Del Rio, an employee
of the State Bar of Nevada

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Case No. OBC20-1208



**STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD**

STATE BAR OF NEVADA,)
Complainant,)
vs.)
KEVIN DENNIS HOLTMAN, ESQ.,)
Nevada Bar No. 11603,)
Respondent.)

**NOTICE OF TELEPHONIC INITIAL
CASE CONFERENCE**

PLEASE TAKE NOTICE, the telephonic Initial Case Conference in the above-entitled matter is set for **July 2, 2021, at 2:00p.m.** The State Bar conference call number is 1-877-594-8353, participant passcode is 46855068#.

Dated this 30th day of June 2021.

STATE BAR OF NEVADA
Daniel M. Hooge, Bar Counsel

Bruce Hahn

Bruce Hahn, Assistant Bar Counsel
3100 W. Charleston Boulevard, Suite 100
Las Vegas, Nevada 89102
(702) 382-2200
Attorney for Complainant

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CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing
NOTICE OF TELEPHONIC INITIAL CASE CONFERENCE was served
electronically to:

1. Nell Christensen, Esq. (Panel Chair): nell.christensen@clarkcountyda.com
2. Kevin Holtman, Esq. (Respondent): kholtman@holtmanlaw.com (SCR 79 Email)
holtmank@gmail.com (Alternate Email)
3. Bruce Hahn (Assistant Bar Counsel): bruceh@nvbar.org

Dated this 30th day of June 2021.

Sonia Del Rio

Sonia Del Rio, an employee
of the State Bar of Nevada

Case No.: OBC20-1208 & OBC20-1249



STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)	<u>SCHEDULING & CASE</u>
Complainant,)	<u>CONSOLIDATION ORDER</u>
)	<u>AT INITIAL CONFERENCE</u>
vs.)	
)	
KEVIN DENNIS HOLTMAN, ESQ.,)	
NV Bar No. 11603)	
Respondent.)	
)	

Pursuant to Rule 17 of the Disciplinary Rules of Procedure (“DRP”), on Friday, July 2, 2021, at 2:00 p.m., Formal Hearing Panel Chair Nell Christensen, Esq., met telephonically with Bruce Hahn, Esq., Assistant Bar Counsel, on behalf of the State Bar of Nevada, to conduct the duly-noticed Initial Conference in the matter of OBC20-1208. Respondent did not appear. Respondent made no advance contact with the State Bar or the Chair advising of any scheduling or appearance difficulty.

During the Case Conference the State Bar proffered event dates, provided a case status under offer of proof and made an oral motion for case joinder of OBC20-1249 with this matter.

The Chair finds and rules as follows:

1. The State Bar consents to electronic service. The Chair orders that service to all parties and the Chair will occur by electronic means of all documents pursuant to Supreme Court Rule (“SCR”) 109(2), NRCP 5, and DRP 11(b)(3) with the understanding that **all documents need to be submitted by 5:00 p.m. to be file stamped timely.**

1 **2.** The State Bar consents to Clark County, Nevada venue. The Chair finds Clark County
2 venue to be proper.

3 **3.** The Formal Hearing for this matter is hereby set for **one (1) day starting at 9:00 a.m.**
4 **on September 2, 2021**, and shall take place virtually via “Zoom” conferencing absent further notice.

5 **4.** On or before **July 9, 2021, at 5:00 p.m.**, the State Bar of Nevada’s initial disclosures
6 shall be served on the Respondent. The documents provided by the State Bar shall be bates stamped
7 with numerical designations. *See* DRP 17 (a).

8 **5.** On or before **July 16, 2021, at 5:00 p.m.**, Respondent’s initial disclosures shall be
9 served on the State Bar. The documents provided by the Respondent shall be bates stamped with
10 alphabetical exhibit designations. *See* DRP 17 (a).

11 **6.** On or before **August 3, 2021, at 5:00 p.m.**, the parties shall file and serve any
12 Motions.

13 **7.** On or before **August 17, 2021, at 5:00 p.m.**, all oppositions to the Motions, if any,
14 shall be filed and served on the parties.

15 **8.** On or before **August 3, 2021, at 5:00 p.m.**, the parties shall serve a Final Designation
16 of witnesses expected to testify and exhibits expected to be presented at the Formal Hearing in this
17 matter, pursuant to SCR 105(2)(d), DRP 17(a) and DRP 21.

18 **9.** All documents disclosed shall be bates stamped, the State Bar will use numerical
19 exhibit designations and Respondent will use alphabetical exhibit designations, pursuant to DRP 17.

20 **10.** On **August 19, 2021, at 9:00 a.m.**, the parties shall meet telephonically with Panel
21 Chair Nell Christensen Esq. for the Pre-hearing Conference. Any pending issues, including pending
22 Motions, will be addressed at the Pre-hearing Conference. The parties shall use the State Bar
23 conference bridge (877) 594-8353 and the passcode is 46855068#. Pursuant to DRP 23, at the Pre-
24 hearing conference (i) the parties shall discuss all matters needing attention prior to the hearing date,
25 (ii) the Chair may rule on any motions or disputes including motions to exclude evidence, witnesses,

or other pretrial evidentiary matter, and (iii) the parties shall discuss and determine stipulated exhibits proffered by either the State Bar or Respondent as well as a stipulated statement of facts, if any.

11. The State Bar stipulates to waive SCR 105(2)(d) to allow for the formal appointment of the remaining hearing panel members on a date that is greater than 45 days prior to the scheduled hearing. The Chair finds good cause and it is so ordered.

12. Joinder of OBC20-1249 with the instant matter of OB20-1208 is granted and all event dates enumerated here apply equally to both cases immediately above. Joinder is based upon the State Bar's oral offer of proof and the Chair's consideration of the complaint in OBC20-1249 filed May 4, 2021. Between both cases, the Chair finds substantial similarity in Rule of Professional Conduct charges, overlapping dates alleged and procedural status in that a Notice of Intent to Proceed on a Default Basis was filed May 26, 2021 in both matters. The Chair further finds that interests of economy would be served by joinder and no unfair prejudice to the Respondent would occur by a single grievance being consolidated here for Formal Hearing.

Based on the proffer of the State Bar to the foregoing during the telephonic Initial Conference, no objection being made and good cause appearing, **IT IS SO ORDERED.**

Dated this 7th day of July 2021.

SOUTHERN NEVADA DISCIPLINARY BOARD

By: Nell Christensen
Nell Christensen, Esq.
Hearing Panel Chair

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CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing
SCHEDULING & CASE CONSOLIDATION ORDER AT INITIAL CONFERENCE was
deposited via electronic mail to:

1. Nell Christensen, Esq. (Panel Chair): nell.christensen@clarkcountyda.com
2. Kevin Holtman, Esq. (Respondent): kholtman@holtmanlaw.com (SCR 79 Email)
holtmank@gmail.com (Alternate Email)
3. Bruce Hahn (Assistant Bar Counsel): bruceh@nvbar.org

Dated this 7th day of July 2021.

Sonia Del Rio
Sonia Del Rio, an employee
of the State Bar of Nevada

Case Nos: OBC20-1208 & OBC20-1249



STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
KEVIN DENNIS HOLTMAN, ESQ.,)
NV Bar No. 11603,)
Respondent.)

STATE BAR OF NEVADA'S
INITIAL DISCLOSURE OF
DOCUMENTS AND WITNESSES

PLEASE TAKE NOTICE that the following is an initial list of witnesses and documents which may be offered by the State Bar of Nevada ("State Bar") at the time of the Formal Hearing scheduled for September 2, 2021. The State Bar reserves the right to supplement its disclosures with documents and witnesses, as necessary.

A. Documents

The documents identified below are enclosed with this Disclosure and marked with Bates Numbers SBN Page 001 through SBN Page 132.

OBC20-1208 Disclosure List (John Kern):

1. Grievance & Discovery of Grievant materials, SBN 001 – 011.
2. Text Messages between Kern and Holtman, SBN 012 – 017.
3. State Farm Correspondence, SBN 018 – 022.

- 1 4. Email chain between Kern and Holtman, dated June 14, 2019 - July 15, 2020,
2 SBN 023-032.
- 3 5. Email ELCO Claims Services, dated July 10, 2020, SBN 033-034.
- 4 6. Fax sent to Holtman, dated July 1, 2020, SBN 035-036.
- 5 7. Representation Letter, dated July 15, 2020, SBN 037.
- 6 8. Letter of Investigation, dated November 13, 2020, SBN 038.
- 7 9. Letter of Investigation, dated December 3, 2020, SBN 039- 040.
- 8 **OBC20-1249 Disclosure List (Jasmin Bertild):**
- 9 10. Grievance & Discovery of Grievant materials, SBN 041-042.
- 10 11. Letter of Investigation, dated December 3, 2020, SBN 043.
- 11 12. Pleadings from Case A-17-754280-C and A-18-772071-C, SBN 044-127.
- 12 13. Court Minutes for Case A-18-772071-C, dated February 19, 2019, SBN 128.
- 13 14. Order Scheduling Status Check, dated May 2, 2019, SBN 129.
- 14 15. Court Minutes for Case A-18-772071-C, dated July 2, 2019, SBN 130.
- 15 16. Court Minutes for Case A-18-772071-C, dated February 4, 2020, SBN 131.
- 16 17. American Access Casualty Company website page, SBN 132.

17 **B. Witnesses**

18 1. Respondent Kevin Dennis Holtman, Esq. (via simultaneous audio-visual
19 transmission) may offer testimony about his legal representation of the Grievants John
20 Kern and Bertild Jasmin, the status of his current legal practice, his past and present
21 physical and mental health status related to his legal practice, his SCR 79 contact
22 information past and presently on file with the State Bar, his business and personal contact
23 locations and addresses, his receipt of State Bar correspondence and his lack of replies –
24 should he appear.

25 ///

1 2. State Bar employee-investigator Laura Peters (via simultaneous audio-visual
2 transmission) may offer testimony about the investigative efforts to locate the Respondent
3 and contact attempts made to the Respondent. Ms. Peters may offer testimony concerning
4 her online investigative searches with the Eight Judicial District Court website to ascertain
5 relevant pleading filings and the results of those searches. Ms. Peters's testimony may
6 include that the Respondent made no motion to withdraw as counsel of record in his
7 representation of Bertild Jasmin. Her testimony may include her documentation of
8 estimated professional time, expense and costs associated with her overall investigation in
9 OBC-1208 & OBC20-1249.

10 4. Lay witness-grievant John Kern (OBC20-1208) may offer testimony (via
11 simultaneous audio-visual transmission) about his understanding of the Respondent's
12 legal representation of him in his personal injury matter, Kern's conversations, texts,
13 emails and other correspondence with the Respondent, results achieved in the legal
14 representation and expenses he has incurred. His testimony may include his observations
15 of his client file when it was returned to him and the results of his own personal
16 investigation into potential adverse insurance carriers and his contact with them.

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5. Lay witness-grievant Bertild Jasmin (OBC20-1249) may offer testimony (via simultaneous audio-visual transmission) about his understanding of the Respondent's legal representation of him in his personal injury matter, Jasmin's conversations, texts, emails and other correspondence with the Respondent, results achieved in the legal representation and expenses he has incurred.

DATED this 9th day of July 2021.

STATE BAR OF NEVADA

DANIEL M. HOOGE, Bar Counsel

Bruce Hahn

By:

Bruce C. Hahn, Assistant Bar Counsel
Nevada Bar No. 5011
3100 W. Charleston Blvd., Ste. 100
Las Vegas, Nevada 89102
(702) 382.2200
Attorney for State Bar of Nevada

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CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **STATE BAR OF NEVADA’S INITIAL DISCLOSURE OF DOCUMENTS AND WITNESSES** was served electronically to:

1. Kevin Holtman, Esq. (Respondent): kholtman@holtmanlaw.com (SCR 79 Email)
holtmank@gmail.com (Alternate Email)
2. Bruce Hahn (Assistant Bar Counsel): bruceh@nvbar.org

Dated this 9th day of July 2021.

Sonia Del Rio

Sonia Del Rio, an employee
of the State Bar of Nevada

Case Nos: OBC20-1208; OBC20-1249



**STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD**

STATE BAR OF NEVADA,

Complainant,

vs.
KEVIN HOLTMAN, ESQ.
NV BAR No. 11603
Respondent.

**ORDER APPOINTING
FORMAL HEARING PANEL**

IT IS HEREBY ORDERED that the following members of the Southern Nevada Disciplinary Board have been designated as members of the formal hearing panel in the above-entitled action. The hearing will be convened on the 2nd day of September, 2021 starting at 9:00 a.m. via Zoom Video Conferencing.

1. Nell Christensen, Esq., Chair;
2. Adam Garth, Esq.
3. Dr. Jo Kent McBeath, Laymember

DATED this 29 day of July, 2021

STATE BAR OF NEVADA

By: Russell Marsh
Russell Marsh (Jul 29, 2021 13:18 PDT)
Russell Marsh, Esq.
Nevada Bar No. 11198
Chair, Southern Nevada Disciplinary Board

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CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **ORDER**
APPOINTING FORMAL HEARING PANEL was deposited via electronic mail to:

1. Nell Christensen, Esq. (Panel Chair): nell.christensen@clarkcountyda.com
2. Adam Garth, Esq. (Panel Member): agarth@me.com
3. Jo Kent McBeath (Panel Lay Member): jkmcbeath@outlook.com
4. Kevin Holtman, Esq. (Respondent): kholtman@holtmanlaw.com (SCR 79 Email)
holtmank@gmail.com (Alternate Email)
5. Bruce Hahn (Assistant Bar Counsel): bruceh@nvbar.org

Dated this 29th day of July 2021.

Sonia Del Rio

Sonia Del Rio, an employee
of the State Bar of Nevada

1 Case No: OBC 20-1208 & OBC20-1249



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6 **STATE BAR OF NEVADA**
7 **SOUTHERN NEVADA DISCIPLINARY BOARD**
8

9 STATE BAR OF NEVADA,)
10 Complainant,)
11 vs.)
12 KEVIN DENNIS HOLTMAN, ESQ.,)
13 Nevada Bar No. 11603)
Respondent.)

DECLARATION OF SERVICE IN
SUPPORT OF ENTRY OF DEFAULT

14
15 STATE OF NEVADA)
16) ss:
COUNTY OF CLARK)

17 Sonia Del Rio, Hearing Paralegal, State Bar of Nevada, Office of Bar Counsel, under
18 penalty of perjury, being first duly sworn, declares as follows:

19 That Declarant is employed as a Hearing Paralegal for the State Bar of Nevada, Office
20 of Bar Counsel ("OBC") and in such capacity is a custodian of records for the OBC. Declarant
21 attests that the attached documents are true and accurate copies of records generated by and
22 maintained by the OBC in the ordinary course of business.

23 That Declarant attests that the following is a summary of the OBC efforts to locate and
24 provide attorney Kevin Dennis Holtman ("Respondent") with a Complaint and Notice of Intent
25 to Proceed on Default Basis ("NOIPD") in the two cases above:

1 1. Respondent is member of the State Bar of Nevada, having been licensed in the
2 State of Nevada since October 22, 2009, or thereabout.

3 2. Nevada Supreme Court Rule (“SCR”) 79(1) requires every member of the State
4 Bar of Nevada to provide the State Bar with a permanent mailing address, permanent
5 telephone number, and a current email address for purposes of State Bar communication with
6 the attorney.

7 3. The SCR 79 information provided by Respondent and on file with the State Bar,
8 as of January 7, 2019, was as below, in addition to an alternate address (f) discovered in early
9 2021 via “Accurint” search (a LEXIS-NEXIS service):

- 10 a. Permanent Mailing Address: P.O. Box 371929 Las Vegas, NV 89137
 - 11 b. Permanent Telephone Number: (702) 569-4789
 - 12 c. Current Email Address: kholtman@holtmanlaw.com
 - 13 d. Alternate Email address: holtmank@gmail.com
 - 14 e. Alternate Mailing Address: None disclosed
 - 15 f. “Accurint” alternate address: 9920 Woodhouse Drive, Las Vegas, NV 89134.
- 16 Respondent was personally served at this alternate address on March 14, 2021,
17 by licensed process server Tanner Trewet on a separate matter. **Exhibit 1.**

18 **A. Attempted Service of the two Complaints**

19 4. On **May 4, 2021**, the State Bar filed two Complaints against Respondent in both
20 of the above-captioned matters.

21 SCR 79 permanent mailing address:

22 5. Pursuant to SCR 109(1) service of the Complaints was attempted by i) certified
23 mail (OBC20-1208 - #2876) (OBC20-1249 - #2852) and ii) first-class regular mail to
24 Respondent’s SCR 79 permanent mailing address on May 4, 2021. **Exhibit 2 & 3.**

25 6. The State Bar’s certified mailing envelope packets containing the Complaints to

1 the Respondent's SCR 79 mailing address were returned to on or about June 23, 2021, and
2 June 24, 2021 respectively stamped "06/21/21 RETURN TO SENDER UNABLE TO
3 FORWARD" The certified mailing receipts accompanying the Complaints mailing were
4 unsigned. **Exhibit 4.** The State Bar received no return of the first-class regular mail.

5 Alternate permanent mailing address:

6 7. Service of the two complaints was also attempted by certified mail (OBC20-1208
7 – #2869 & OBC20-1249 - #2845) by mailing a copy of the Complaints to an alternate address
8 identified with the Respondent by "Accurint" on May 4, 2021. **Exhibit 2 & 3.** The State Bar
9 received no return of these documents.

10 Email notice:

11 8. On May 4, 2021, a copy of the two Complaints was directed to the Respondent's
12 SCR 79 current email address and alternate email address. **Exhibit 2 & 3.** The State Bar
13 received no acknowledgement of either email.

14 9. A response to the Complaints was due on or before May 27, 2021, (twenty days
15 plus three days for service by mail).

16 10. The State Bar has received no response from the Respondent to either Complaint.

17 **B. Attempted Service of the Notice of Intent to Proceed on Default Basis**
18 **("NOIPDs")**

19 SCR 79 permanent mailing address:

20 11. On May 26, 2021, the State Bar filed two separate NOIPDs against Respondent
21 for failure to respond to the Complaints in both matters.

22 12. Pursuant to SCR 109(1) service of the two NOIPDs was attempted by i) certified
23 mail (OBC20-1208 - #3154 & OBC20-1249 - #3123) and ii) first-class regular mail to
24 Respondent's SCR 79 address on May 26, 2021. **Exhibit 5 & 6.**

13. The State Bar's certified mailing envelope packets to Respondent's SCR 79 address containing the NOIPDs were returned to it on or about June 21, 2021, respectively stamped "06/20/21 RETURN TO SENDER UNCLAIMED UNABLE TO FORWARD." **Exhibit 7 & 8.** The State Bar received no return of the first-class regular mail.

Alternate permanent mailing address:

14. On May 26, 2021, a copy of the two NOIPDs were also sent certified mail (OBC20-1208 - #3147) (OBC20-1249 - #3116) to the non-disclosed alternate address associated with the Respondent ("Accurant"). **Exhibit 5 & 6.**

15. The State Bar’s certified mailing envelope packets sent to Respondent were returned to it on or about June 21, 2021, stamped “06/20/21 RETURN TO SENDER UNCLAIMED UNABLE TO FORWARD.” **Exhibit 7 & 8.** The State Bar received no return of the first-class regular mail.

Email notice:

16. On May 26, 2021, notice of the NOIPDs was directed to the Respondent's SCR 79 current email address. **Exhibit 5 & 6.** The State Bar received no acknowledgement of either email.

17. Pursuant to the deadline noticed by the NOIPDs, a response to the Complaint was due on or before June 16, 2021. (Twenty days plus three days for service by mail).

18. The State Bar has received no response from the Respondent to the NOIPDs.

DATED this 3rd day of August 2021.

Sonia Del Rio

Sonia Del Rio, Hearing Paralegal
State Bar of Nevada, Office of Bar Counsel

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CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing
DECLARATION OF SERVICE IN SUPPORT OF ENTRY OF DEFAULT was deposited
via electronic mail to:

1. Nell Christensen, Esq. (Panel Chair): nell.christensen@clarkcountyda.com
2. Kevin Holtman, Esq. (Respondent): kholtman@holtmanlaw.com (SCR 79 Email)
holtmank@gmail.com (Alternate Email)
3. Bruce Hahn (Assistant Bar Counsel): bruceh@nvbar.org

Dated this 3rd day of August 2021.

Sonia Del Rio
Sonia Del Rio, an employee
of the State Bar of Nevada

EXHIBIT 1

EXHIBIT 1



FILED

MAR 18 2021

STATE BAR OF NEVADA
BY: *B. Felix*
OFFICE OF BAR COUNSEL

AFFIDAVIT OF SERVICE

STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD
CLARK COUNTY, STATE OF NEVADA

STATE BAR OF NEVADA,

Complainant

v.

KEVIN DENNIS HOLTMAN, ESQ.,
Nevada Bar No. 11603,

Respondent

Case No.: OBC20-0532

Daniel M. Hooge, Esq. Bar No. 10620

OFFICE OF BAR COUNSEL

3100 W. Charleston 100

Las Vegas, NV 89102

(702) 382-2200

Attorneys for the Complainant

Client File# OBC20-0532

I, Tanner Trewet, being sworn, states: That I am a licensed process server registered in Nevada. I received a copy of the Complaint; Notice Of Intent To Proceed On A Default Basis; Order Appointing Hearing Panel Chair; Notice of Initial Case Conferences; Scheduling Order; Notice of Telephonic Case Conferences; State Bar Of Nevada's Initial Disclosures Of Documents And Witnesses; Order Of Default, from OFFICE OF BAR COUNSEL

That on 3/14/2021 at 2:56 PM at 9920 Woodhouse Drive, Las Vegas, NV 89134 I served Kevin Holtman with the above-listed documents by personally delivering a true and correct copy of the documents by leaving with Kevin Holtman.

That the description of the person actually served is as follows:

Gender: Male, Race: Caucasian, Age: 30's, Height: 5'9", Weight: 200 lbs., Hair: Red, Eyes: Blue

I being duly sworn, states: that all times herein, Affiant was and is over 18 years of age, not a party to or interested in the proceedings in which this Affidavit is made. I declare under penalty of perjury that the foregoing is true and correct.

Date: 3/18/21

Tanner Trewet
Tanner Trewet
Registered Work Card# R- 2019-07712
State of Nevada

(No Notary Per NRS 53.045)

Service Provided for:
Nationwide Legal Nevada, LLC
626 S. 7th Street
Las Vegas, NV 89101
(702) 385-5444
Nevada Lic # 1656



Control #: NV239067
Reference: OBC20-0532

EXHIBIT 2

EXHIBIT 2



FILED

MAY 04 2021

STATE BAR OF NEVADA
BY: B. J. J. J.
OFFICE OF BAR COUNSEL

Case Nos.: OBC20-1208

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
KEVIN D. HOLTMAN, ESQ.,)
BAR NO. 11603)
)
Respondent.)

DECLARATION OF MAILING

Sonia Del Rio, under penalty of perjury, being first and duly sworn, deposes
and says as follows:

1. That Declarant is employed with the State Bar of Nevada and, in such capacity,
Declarant is Custodian of Records for the Discipline Department of the State
Bar of Nevada.
2. That Declarant states that the enclosed documents are true and correct copies
of the **COMPLAINT, FIRST DESIGNATION OF HEARING PANEL
MEMBERS, and STATE BAR OF NEVADA'S PEREMPTORY
CHALLENGES** in the matter of the *State Bar of Nevada vs. Kevin D.
Holtman, Esq.*, Case No. OBC20-1208.

1 3. That pursuant to Supreme Court Rule 109, the Complaint, First Designation of
2 Hearing Panel Members, and State Bar of Nevada's Peremptory Challenges
3 were served on the following placing copies in an envelope which was then
4 sealed and postage fully prepaid for regular and certified mail, and deposited
5 in the United States mail at Las Vegas, Nevada on **May 4, 2021**, to:

6 Kevin D. Holtman, Esq.
7 P.O. Box 371929
8 Henderson, Nevada 89137
9 **CERTIFIED MAIL RECEIPT: 7021 0350 0001 7810 2876**

10 Kevin D. Holtman, Esq.
11 9920 Woodhouse Drive
12 Las Vegas, NV 89134
13 **CERTIFIED MAIL RECEIPT: 7021 0350 0001 7810 2869**

14 **And via electronic mail on May 4, 2021 to:**

15 Kevin D. Holtman, Esq.: kholtman@holtmanlaw.com (SCR 79 email)
16 holtmank@gmail.com (Alternate email address)

17 I declare under penalty of perjury that the foregoing is true and correct.

18 Dated this 4th day of May, 2021.

19 *Sonia Del Rio*

20 Sonia Del Rio, an employee
21 of the State Bar of Nevada
22
23
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EXHIBIT 3

EXHIBIT 3



FILED

MAY 04 2021

STATE BAR OF NEVADA

BY: B. J. J. J.
OFFICE OF BAR COUNSEL

Case Nos.: OBC20-1249

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
KEVIN D. HOLTMAN, ESQ.,)
BAR NO. 11603)
)
Respondent.)

DECLARATION OF MAILING

Sonia Del Rio, under penalty of perjury, being first and duly sworn, deposes
and says as follows:

1. That Declarant is employed with the State Bar of Nevada and, in such capacity,
Declarant is Custodian of Records for the Discipline Department of the State
Bar of Nevada.
2. That Declarant states that the enclosed documents are true and correct copies
of the **COMPLAINT, FIRST DESIGNATION OF HEARING PANEL
MEMBERS, and STATE BAR OF NEVADA'S PEREMPTORY
CHALLENGES** in the matter of the *State Bar of Nevada vs. Kevin D.
Holtman, Esq.*, Case No. OBC20-1249.

1 3. That pursuant to Supreme Court Rule 109, the Complaint, First Designation of
2 Hearing Panel Members, and State Bar of Nevada's Peremptory Challenges
3 were served on the following placing copies in an envelope which was then
4 sealed and postage fully prepaid for regular and certified mail, and deposited
5 in the United States mail at Las Vegas, Nevada on **May 4, 2021**, to:

6 Kevin D. Holtman, Esq.
7 P.O. Box 371929
8 Henderson, Nevada 89137
9 **CERTIFIED MAIL RECEIPT: 7021 0350 0001 7810 2852**

10 Kevin D. Holtman, Esq.
11 9920 Woodhouse Drive
12 Las Vegas, NV 89134
13 **CERTIFIED MAIL RECEIPT: 7021 0350 0001 7810 2845**

14 **And via electronic mail on May 4, 2021 to:**

15 Kevin D. Holtman, Esq.: kholtman@holtmanlaw.com (SCR 79 email)
16 holtmank@gmail.com (Alternate email address)

17 I declare under penalty of perjury that the foregoing is true and correct.

18 Dated this 4th day of May, 2021.

19 *Sonia Del Rio*

20 _____
21 Sonia Del Rio, an employee
22 of the State Bar of Nevada
23
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EXHIBIT 4

EXHIBIT 4

STATE BAR OF NEVADA



3100 W. Charleston Blvd., Suite 100 Las Vegas, NV 89102
www.nbar.org

CERTIFIED MAIL®



702L 0350 0001 7810 2876

RECEIVED BY

JUN 23 2021

STATE BAR OF NEVADA



U.S. POSTAGE® PITNEY BOWES
ZIP 89102 \$ 008.85⁰
02 4W
0000359792 MAY 04 2021

Kevin D. Holtman, Esq.

P.O. Box 371929

Henderson, Nevada 89137

~R-T-S~ 891375005-1N


06/21/21

RETURN TO SENDER
UNABLE TO FORWARD
RETURN TO SENDER



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PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS AREA

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<div>■ Complete items 1, 2, and 3.</div> <div>■ Print your name and address on the reverse so that we can return the card to you.</div> <div>■ Attach this card to the back of the mailpiece, or on the front if space permits.</div>		<div>A. Signature X</div> <div><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</div>	
<div>1. Article Addressed to:</div> <div>Kevin D. Holtman, Esq. PO Box 371929 Henderson, NV 89137</div> <div></div> <div>9590 9402 6609 1028 8081 09</div>		<div>B. Received by (Printed Name)</div> <div>C. Date of Delivery</div>	
<div>2. Article Number (Transfer from service label)</div> <div>7021 0350 0001 7810 2876</div>		<div>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</div>	
<div>PS Form 3811, July 2020 PSN 7530-02-000-9053</div>		<div>Domestic Return Receipt</div>	
		<div>3. Service Type</div> <div><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</div> <div><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</div>	



FILED

MAY 04 2021

STATE BAR OF NEVADA

BY: D. J. Jelinek
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

KEVIN DENNIS HOLTMAN, Esq.
Nevada Bar No. 11603

Respondent.

COMPLAINT

TO: Kevin Dennis Holtman, Esq.
P.O. Box 371929 Las Vegas, NV 89137
(SCR 79 Permanent Mailing address)

Kevin Dennis Holtman, Esq.
kholtman@holtmanlaw.com
(SCR 79 email address)

Kevin Dennis Holtman, Esq.
9920 Woodhouse Drive, Las Vegas, NV 89134
(Alternate address)

PLEASE TAKE NOTICE that pursuant to Supreme Court Rule ("SCR") 105(2) a
VERIFIED RESPONSE OR ANSWER to this Complaint must be filed with the Office of Bar
Counsel, State Bar of Nevada, 3100 W. Charleston Blvd., Ste. 100, Las Vegas, Nevada, 89102,
within twenty (20) days of service of this Complaint. Procedure regarding service is addressed
in SCR 109.

STATE BAR



7021 0350 0001 7810 2852

3100 W. Charleston Blvd., Suite 100 Las Vegas, NV 89102
www.nvbar.org



U.S. POSTAGE PITNEY BOWES
ZIP 89102 \$008.85⁰
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0000359792 MAY 04 2021

RECEIVED BY
JUN 24 2021
STATE BAR OF NEVADA

RECEIVED BY
JUN 28 2021
OFFICE OF BAR COUNSEL

-R-T-S- 891375007-1N 06/21/21
RETURN TO SENDER
UNABLE TO FORWARD
RETURN TO SENDER

Kevin D. Holtman, Esq.
PO Box 371929
Henderson, NV 89137

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SENDER: COMPLETE THIS SECTION

- ### 1. Article Addressed to:



7021 0350 0001 7810 2852

COMPLETE THIS SECTION ON DELIVERY

X

B. Received by (Printed Name)

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

☐ Yes
☐ No

☐ Adult Signature Restricted Delivery

- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

☒ Signature Confirmation™
☐ Signature Confirmation
Restricted Delivery

Domestic Return Receipt



FILED

MAY 04 2021

STATE BAR OF NEVADA

BY: D. John
OFFICE OF BAR COUNSEL

Case No: OBC20-1249

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
KEVIN DENNIS HOLTMAN, Esq.)
Nevada Bar No. 11603)
)
Respondent.)

COMPLAINT

TO: Kevin Dennis Holtman, Esq.
P.O. Box 371929 Las Vegas, NV 89137
(SCR 79 Permanent Mailing address)

Kevin Dennis Holtman, Esq.
kholtman@holtmanlaw.com
(SCR 79 email address)

Kevin Dennis Holtman, Esq.
9920 Woodhouse Drive, Las Vegas, NV 89134
(Alternative address)

PLEASE TAKE NOTICE that pursuant to Supreme Court Rule ("SCR") 105(2) a
VERIFIED RESPONSE OR ANSWER to this Complaint must be filed with the Office of Bar
Counsel, State Bar of Nevada, 3100 W. Charleston Blvd., Ste. 100, Las Vegas, Nevada, 89102,
within twenty (20) days of service of this Complaint. Procedure regarding service is addressed
in SCR 109.

EXHIBIT 5

EXHIBIT 5

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL®

7020 0640 0002 2671 3154
7020 0640 0002 2671 3154

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$	DBC2D-1208 5-27-21 Postmark Here SDR NIPD
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	
Postage		

Kevin Dennis Holtman, Esq.
Law Office of Kevin D. Holtman
PO Box 371929
Las Vegas, NV 89137

SBN Exhibit 1- Page 079

ROA Page 281

EXHIBIT 6

EXHIBIT 6

7020 0640 0002 2671 3123

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL®



7020 0640 0002 2671 3123
7020 0640 0002 2671 3123

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$	<i>DBC20-1249 5.27.21 502</i> Postmark Here <i>NDIPD</i>
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage	

Kevin Dennis Holtman, Esq.
Law Office of Kevin D. Holtman
PO Box 371929
Las Vegas, NV 89137

SBN Exhibit 1- Page 081

ROA Page 283

EXHIBIT 7

EXHIBIT 7

STATE BAR OF NEVADA



3100 W. Charleston Blvd, Suite 100, Las Vegas, NV 89102

www.nbar.org

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STATE BAR OF NEVADA

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Kevin Dennis Holtman, Esq.
Law Office of Kevin D. Holtman
PO Box 371929
Las Vegas, NV 89137

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OFFICE OF BAR COUNSEL

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FILED

MAY 26 2021

STATE BAR OF NEVADA
BY: [Signature]
OFFICE OF BAR COUNSEL

Case No.: OBC20-1208

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
KEVIN DENNIS HOLTMAN, ESQ.,)
Nevada Bar No. 11603)
Respondent.)

**NOTICE OF INTENT TO
PROCEED ON A DEFAULT BASIS**

PLEASE TAKE NOTICE THAT unless the State Bar receives a responsive pleading in the above-captioned matter by June 16, 2021, it will proceed on a default basis and *the charges against you in the Complaint shall be deemed admitted*. Supreme Court Rule 105 (2) states in relevant part:

A copy of the complaint shall be served on the attorney and it shall direct that a verified response or answer be served on bar counsel within 20 days of service . . . In the event the attorney fails to plead, **the charges shall be deemed admitted**; provided, however, that an attorney who fails to respond within the time provided may thereafter obtain permission of the appropriate disciplinary board chair to do so, if failure to file is attributable to mistake, inadvertence, surprise, or excusable neglect. (Emphasis added.)

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EXHIBIT 8

EXHIBIT 8

STATE BAR OF NEVADA

CERTIFIED MAIL



3100 W. Charleston Blvd., Suite 100, Las Vegas, NV 89102

www.sbnbar.org



LAS VEGAS NV 890

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JUN 21 2021

STATE BAR OF NEVADA

Kevin Dennis Holtman, Esq.
Law Office of Kevin D. Holtman
PO Box 371929

Las Vegas, NV 89137

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FILED

MAY 26 2021

STATE BAR OF NEVADA

BY: *[Signature]*
OFFICE OF BAR COUNSEL

Case No.: OBC20-1249

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
KEVIN DENNIS HOLTMAN, ESQ.,)
Nevada Bar No. 11603)
Respondent.)

**NOTICE OF INTENT TO
PROCEED ON A DEFAULT BASIS**

PLEASE TAKE NOTICE THAT unless the State Bar receives a responsive pleading in the above-captioned matter by June 16, 2021, it will proceed on a default basis and *the charges against you in the Complaint shall be deemed admitted*. Supreme Court Rule 105 (2) states in relevant part:

A copy of the complaint shall be served on the attorney and it shall direct that a verified response or answer be served on bar counsel within 20 days of service . . . In the event the attorney fails to plead, **the charges shall be deemed admitted**; provided, however, that an attorney who fails to respond within the time provided may thereafter obtain permission of the appropriate disciplinary board chair to do so, if failure to file is attributable to mistake, inadvertence, surprise, or excusable neglect. (Emphasis added.)

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Case No. OBC20-1208 & OBC20-1249



**STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD**

STATE BAR OF NEVADA,

Complainant,

vs.

KENNETH DENNIS HOLTMAN, ESQ.,

Bar No. 11603

Respondent.

MOTION FOR DEFAULT ENTRY

COMES NOW, Bruce C. Hahn, Assistant Bar Counsel for the State Bar of Nevada, and requests that an Order of Default be entered against Kevin Dennis Holtman, Esq., ("Respondent") in the foregoing matter. This request is made and based upon the following Points and Authorities, the supporting Declaration of State Bar Hearing Paralegal Sonia Del Rio dated August 3, 2021 (with exhibits), and upon such further evidence and argument as the Chair may request or entertain.

MEMORANDUM OF POINTS AND AUTHORITIES

A. Respondent's SCR 79 Obligation:

Respondent is member of the State Bar of Nevada, having been licensed in the State

1 of Nevada since October 22, 2009. Nevada Supreme Court Rule (“SCR”) 79(1) requires
2 every member of the State Bar of Nevada to provide the State Bar with a permanent mailing
3 address, permanent telephone number, and a current email address for purposes of State
4 Bar communication with the attorney.

5 The SCR 79 information provided by Respondent and on file with the State Bar as
6 of January 7, 2019, is:

- 7 a. Permanent Mailing Address: P.O. Box 371929 Las Vegas, NV 89137
- 8 b. Permanent Telephone Number: 702.569.4789
- 9 c. Current Email Address: kholtman@holtmanlaw.com
- 10 d. Alternate Email Address: holtmank@gmail.com
- 11 d. Alternate Mailing Address: None disclosed
- 12 e. “Accurint” Alternate Address: 9920 Woodhouse Drive, Las Vegas, NV 89134

13 Respondent was personally served at this alternate address on March 14, 2021, by
14 licensed process server Tanner Trewet on a separate matter.

15 **B. Complaint service efforts:**

16 The State Bar of Nevada filed two Complaints against Respondent on May 4, 2021.
17 These Complaints charge Respondent with violations of Rules of Professional Conduct
18 (“RPC”) as follows:

19 **OBC20-1208 (Kern)**

- 20 1. RPC 8.1: Bar Disciplinary Matters
- 21 2. RPC 1.3: Diligence
- 22 3. RPC 1.4(a): Communication

23 **OBC20-1249 (Bertild)**

- 24 1. RPC 8.1: Bar Disciplinary Matters
- 25 2. RPC 1.3: Diligence
- 3. RPC 1.4(a) Communication

1 4. RPC 3.2(a) Expediting Litigation

2 Pursuant to SCR 109(1) service of a Complaint must be made by mailing a copy to
3 Respondent's SCR 79 address via certified mail.¹

4 The State Bar complied with its service obligation concerning the Complaints, by
5 sending it via (i) certified US mail and (ii) first class US mail to Respondent's SCR 79
6 address, pursuant to SCR 109(1). The State Bar also attempted service of the Complaints
7 by (iii) certified US mail to an alternate mailing address discovered by "Accurint" research
8 where the Respondent had been served months previously. The State Bar also attempted
9 to provide notice of the Complaints to Respondent's current and alternate email addresses.

10 Respondent's Response was due on May 27 (twenty days plus three days for service
11 by mail). No answer or responsive pleading has been filed by Respondent.

12 **C. Notice of Intent to Proceed on Default Basis service efforts:**

13 In accordance with Disciplinary Rule of Procedure 14(c), the State Bar filed a
14 separate Notice for each of the two cases, to wit: Notices of Intent to Proceed on a Default
15 Basis ("NOIPD") against Respondent on May 26, 2021. These Notices cautioned the
16 Respondent that the failure to file a responsive pleading would result in all charges being
17 deemed admitted pursuant to SCR 105(2).

18 The State Bar complied with and exceeded service obligations concerning the NOIPD²
19 by sending it via (i) certified US mail and (ii) by first class US mail to Respondent's SCR 79
20 address. The State Bar also attempted service of the NOIPD by certified mail to an alternate
21 mailing address discovered by "Accurint" research where the Respondent had been served

22 ///

23 ///

24 ¹ Effective service alternatives for the Complaint under SCR 109(1) include 'Registered Mail' or personal
25 service.

² SCR 109(2) states that effective service of 'papers' other than the Complaint are governed by NRCP 5. Effective service for these other papers can simply include mailing the documents to the person's last known address for non-represented persons. NRCP 5(b)(2)(C).

1 months previously. The State Bar also attempted to provide notice of the NOIPDs by
2 sending a copy to Respondent's current and alternate email addresses.

3 Pursuant to the NOIPDs, Respondent's response was due on June 16, 2021. No Answer
4 or responsive pleading has been filed by Respondent.

5 **D. Conclusion**

6 Despite the State Bar meeting and exceeding Nevada's rules to provide Respondent
7 notice of charges and notice of default, Respondent has failed to file an Answer or otherwise
8 enter an appearance in this action. Therefore, pursuant to SCR 105(2) and DRP 14(c), State
9 Bar respectfully requests:

- 10 (i) Order of Default against Respondent in OBC20-1208 & OBC20-1249;
11 (ii) a finding that the charges of the two Complaints are deemed admitted; and
12 (iii) the scheduled Formal Hearing of September 2, 2021, at 9:00 am proceed
13 forward for the sole purpose of determining the appropriate disciplinary sanctions.

14 DATED this 3rd day of August 2021.

16 **STATE BAR OF NEVADA**
17 Daniel M. Hooge, Bar Counsel

18 By: Bruce Hahn
19 Bruce C. Hahn, Assistant Bar Counsel
20 3100 W. Charleston Boulevard, Suite 100
21 Las Vegas, Nevada 89102
22 (702) 382-2200
23 *Attorney for Complainant*
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CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **MOTION FOR DEFAULT ENTRY** was deposited via electronic mail to:

1. Nell Christensen, Esq. (Panel Chair): nell.christensen@clarkcountyda.com
2. Kevin Holtman, Esq. (Respondent): kholtman@holtmanlaw.com (SCR 79 Email)
holtmank@gmail.com (Alternate Email)
3. Bruce Hahn (Assistant Bar Counsel): bruceh@nvbar.org

Dated this 3rd day of August 2021.

Sonia Del Rio
Sonia Del Rio, an employee
of the State Bar of Nevada

Case No: OBC20-1208; OBC20-1249



STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
Complainant,)
vs.)
KEVIN DENNIS HOLTMAN, ESQ.)
Nevada Bar No. 11603)
Respondent.)

**NOTICE OF
FORMAL HEARING**

PLEASE TAKE NOTICE that the formal hearing in the above-entitled action has been scheduled for **one day on September 2, 2021, at the hour of 9:00 a.m.**, The hearing will be conducted virtually through **ZOOM video conference**. Due to the lack of appearance from the Respondent, the State Bar of Nevada and the Panel Chair have stipulated to the Formal Hearing date above.

Please be further advised that you are entitled to be represented by counsel, to cross-examine witnesses, and to present evidence.

DATED this 3rd day of August 2021.

STATE BAR OF NEVADA
Daniel M. Hooge, Bar Counsel

Bruce Hahn
By: _____
Bruce C. Hahn, Esq., Assistant Bar Counsel
3100 W. Charleston Blvd., Suite 100
Las Vegas, Nevada 89102
(702) 382-2200
Attorney for State Bar of Nevada

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Kevin Dennis Holtman, Esq.
Law Office of Kevin D. Holtman
PO Box 371929
Las Vegas, NV 89137
SCR 79 Address

Kevin Dennis Holtman, Esq.
9920 Woodhouse Drive
Las Vegas, NV 89134
Alternate Address

1. Nell Christensen, Esq. (Panel Chair): nell.christensen@clarkcountyda.com
2. Adam Garth, Esq. (Panel Member): agarth@me.com
3. Jo Kent McBeath (Panel Lay Member): jkmcbeath@outlook.com
4. Kevin Dennis Holtman, Esq. (Respondent): kholtman@holtmanlaw.com
5. Bruce C. Hahn, Esq. (Assistant Bar Counsel): bruceh@nybar.org

Sonia Del Rio
Sonia Del Rio, an employee of
the State Bar of Nevada.

Case Nos: OBC20-1208 & OBC20-1249



STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
)
KEVIN DENNIS HOLTMAN, ESQ.,)
NV Bar No. 11603,)
)
Respondent.)

STATE BAR OF NEVADA'S
FINAL DISCLOSURES OF
DOCUMENTS AND WITNESSES

PLEASE TAKE NOTICE that the following is a final list of witnesses and documents which may be offered by the State Bar of Nevada ("State Bar") at the time of the Formal Hearing scheduled for September 2, 2021. The State Bar reserves the right to supplement its disclosures with documents and witnesses, as necessary.

A. Documents

The documents identified below are enclosed with this Disclosure and marked with Bates Numbers SBN Page 001 through SBN Page 132.

OBC20-1208 Disclosure List:

1. Grievance & Discovery of Grievant materials, SBN 001 – 011.
2. Text Messages between Kern and Holtman, SBN 012 – 017.
3. State Farm Correspondence, SBN 018 – 022.

- 1 4. Email chain between Kern and Holtman, dated June 14, 2019- July 15, 2020,
2 SBN 023-032.
- 3 5. Email ELCO Claims Services, dated July 10, 2020, SBN 033-034.
- 4 6. Fax sent to Holtman, dated July 1, 2020, SBN 035-036.
- 5 7. Representation Letter, dated July 15, 2020, SBN 037.
- 6 8. Letter of Investigation, dated November 13, 2020, SBN 038.
- 7 9. Letter of Investigation, dated December 3, 2020, SBN 039- 040.
- 8 **OBC20-1249 Disclosure List:**
- 9 10. Grievance & Discovery of Grievant materials, SBN 041-042.
- 10 11. Letter of Investigation, dated December 3, 2020, SBN 043.
- 11 12. Pleadings from Case A-17-754280-C and A-18-772071-C, SBN 044-127.
- 12 13. Court Minutes for Case A-18-772071-C, dated February 19, 2019, SBN 128.
- 13 14. Order Scheduling Status Check, dated May 2, 2019, SBN 129.
- 14 15. Court Minutes for Case A-18-772071-C, dated July 2, 2019, SBN 130.
- 15 16. Court Minutes for Case A-18-772071-C, dated February 4, 2020, SBN 131.
- 16 17. American Access Casualty Company website page, SBN 132.

17 **B. Witnesses**

18 1. Respondent Kevin Dennis Holtman, Esq. may offer testimony about his legal
19 representation of the Grievants John E. Kerns and Bertild Jasmin, the status of his current
20 legal practice his past and present physical and mental health status related to his legal
21 practice, his contact information on file with the State Bar, his business and personal
22 contact location/addresses, his receipt of State Bar correspondence and his lack of replies
23 – should he appear.

24 ///

25 ///

1 2. State Bar employee-investigator Laura Peters may offer testimony about the
2 investigative efforts to locate the Respondent, State Bar contact attempts made to the
3 Respondent.

4 4. Lay witness-grievant John Kern may offer testimony (via simultaneous audio-
5 visual transmission) about his understanding of the Respondent's legal representation of
6 his personal injury matter, his conversations and correspondence with the Respondent,
7 results achieved in the legal representation and expenses he has incurred.

8 5. Lay witness-grievant Bertild Jasmin may offer testimony (via simultaneous
9 audio-visual transmission) about his understanding of the Respondent's legal
10 representation of his personal injury matter, his conversations and correspondence with
11 the Respondent, results achieved in the legal representation and expenses he has incurred.

12 DATED this 3rd day of August 2021.

13
14 **STATE BAR OF NEVADA**
15 DANIEL M. HOOGE, Bar Counsel

16 *Bruce Hahn*
17 By: _____
18 Bruce C. Hahn, Assistant Bar Counsel
19 Nevada Bar No. 5011
20 3100 W. Charleston Blvd., Ste. 100
21 Las Vegas, Nevada 89102
22 (702) 382.2200
23 Attorney for State Bar of Nevada
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CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **STATE BAR OF NEVADA'S FINAL DISCLOSURES OF DOCUMENTS AND WITNESSES** was deposited via electronic mail to:

1. Kevin Holtman, Esq. (Respondent): kholtman@holtmanlaw.com (SCR 79 Email)
holtmank@gmail.com (Alternate Email)
2. Bruce Hahn (Assistant Bar Counsel): bruceh@nvbar.org

Dated this 3rd day of August 2021.

Sonia Del Rio

Sonia Del Rio, an employee
of the State Bar of Nevada

Case Nos: OBC20-1208 & OBC20-1249



STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
Complainant,)
vs.)
KEVIN DENNIS HOLTMAN, ESQ.,)
NV Bar No. 11603,)
Respondent.)

STATE BAR'S FIRST
SUPPLEMENTAL DISCLOSURES
OF DOCUMENTS AND WITNESSES
FOR FORMAL HEARING

PLEASE TAKE NOTICE that the following is the State Bar's first supplemental list of witnesses and documents which may be offered by the State Bar of Nevada ("State Bar") at the time of the Formal Hearing scheduled for September 2, 2021. The State Bar reserves the right to supplement its disclosures with documents and witnesses, as necessary.

A. Documents

The documents identified below are enclosed with this Disclosure and marked with Bates Numbers SBN Page 001 through SBN Page 132.

OBC20-1208 Disclosure List:

1. Grievance & Discovery of Grievant materials, SBN 001 – 011.
2. Text Messages between Kern and Holtman, SBN 012 – 017.
3. State Farm Correspondence, SBN 018 – 022.

- 1 4. Email chain between Kern and Holtman, dated June 14, 2019- July 15, 2020,
- 2 SBN 023-032.
- 3 5. Email ELCO Claims Services, dated July 10, 2020, SBN 033-034.
- 4 6. Fax sent to Holtman, dated July 1, 2020, SBN 035-036.
- 5 7. Representation Letter, dated July 15, 2020, SBN 037.
- 6 8. Letter of Investigation, dated November 13, 2020, SBN 038.
- 7 9. Letter of Investigation, dated December 3, 2020, SBN 039- 040.
- 8 **OBC20-1249 Disclosure List:**
- 9 10. Grievance & Discovery of Grievant materials, SBN 041-042.
- 10 11. Letter of Investigation, dated December 3, 2020, SBN 043.
- 11 12. Pleadings from Case A-17-754280-C and A-18-772071-C, SBN 044-127.
- 12 13. Court Minutes for Case A-18-772071-C, dated February 19, 2019, SBN 128.
- 13 14. Order Scheduling Status Check, dated May 2, 2019, SBN 129.
- 14 15. Court Minutes for Case A-18-772071-C, dated July 2, 2019, SBN 130.
- 15 16. Court Minutes for Case A-18-772071-C, dated February 4, 2020, SBN 131.
- 16 17. American Access Casualty Company website page, SBN 132.
- 17 18. Sworn Statement from John R. Kern, SBN 133-135.

18 **B. Witnesses**

- 19 1. Respondent Kevin Dennis Holtman, Esq. may offer testimony about his legal
- 20 representation of the Grievants John E. Kerns and Bertild Jasmin, the status of his current
- 21 legal practice his past and present physical and mental health status related to his legal
- 22 practice, his contact information on file with the State Bar, his business and personal
- 23 contact location/addresses, his receipt of State Bar correspondence and his lack of replies
- 24 – should he appear.

25 ///

1 ///

2 2. State Bar employee-investigator Laura Peters may offer testimony about the
3 investigative efforts to locate the Respondent, State Bar contact attempts made to the
4 Respondent.

5 4. Lay witness-grievant John Kern may offer testimony (via simultaneous audio-
6 visual transmission) or by his sworn statement dated July 28, 2021, about his
7 understanding of the Respondent's legal representation of his personal injury matter, his
8 conversations and correspondence with the Respondent, results achieved in the legal
9 representation and expenses he has incurred.

10 5. Lay witness-grievant Bertild Jasmin may offer testimony (via simultaneous
11 audio-visual transmission) about his understanding of the Respondent's legal
12 representation of his personal injury matter, his conversations and correspondence with
13 the Respondent, results achieved in the legal representation and expenses he has incurred.

14 DATED this 9th day of August 2021.

15
16 **STATE BAR OF NEVADA**
17 DANIEL M. HOOGE, Bar Counsel

18 By: *Bruce Hahn*
19 _____
20 Bruce C. Hahn, Assistant Bar Counsel
21 Nevada Bar No. 5011
22 3100 W. Charleston Blvd., Ste. 100
23 Las Vegas, Nevada 89102
24 (702) 382.2200
25 Attorney for State Bar of Nevada

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CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **STATE BAR'S FIRST SUPPLEMENTAL DISCLOSURES OF DOCUMENTS AND WITNESSES FOR FORMAL HEARING** was deposited via electronic mail to:

1. Kevin Holtman, Esq. (Respondent): kholtman@holtmanlaw.com (SCR 79 Email)
holtmank@gmail.com (Alternate Email)
2. Bruce Hahn (Assistant Bar Counsel): bruceh@nvbar.org

Dated this 9th day of August 2021.

Sonia Del Rio
Sonia Del Rio, an employee
of the State Bar of Nevada

Case Nos: OBC20-1208 & OBC20-1249



FILED

AUG 12 2021

STATE BAR OF NEVADA
BY: 
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

KENNETH DENNIS HOLTMAN., ESQ.

Bar No. 11603

Respondent.

ORDER OF DEFAULT

TO: Kenneth Dennis Holtman, Esq.
PO Box 371929
Las Vegas, NV 89137
(SCR 79 Permanent mailing)

Kevin Dennis Holtman, Esq.
9920 Woodhouse Drive
Las Vegas, NV 89134
(Alternate Address)

Kevin Dennis Holtman, Esq.
kholtman@holtmanlaw.com
(SCR 79 current email)

Based upon the State Bar's Motion for Default Entry and supporting Declaration of Service in Support of Entry of Default submitted in the above-captioned matters, the undersigned Hearing Panel Chair hereby makes the following findings of fact and conclusions

of law in support of this entry of DEFAULT against attorney Kevin Dennis Holtman, Esq., Bar Number 11603. (“Respondent”)

FINDINGS OF FACT IN SUPPORT OF DEFAULT

A. Respondent’s SCR 79 Obligation:

1. Respondent is member of the State Bar of Nevada having been licensed in the State of Nevada since October 22, 2008.

2. Nevada Supreme Court Rule (“SCR”) 79(1) requires every member of the State Bar of Nevada to provide the State Bar with a permanent mailing address, permanent telephone number, and a current email address for purposes of State Bar communication with the attorney.

3. The SCR 79 information provided by Respondent and on file with the State Bar as of January 7, 2019, is:

a. Permanent Mailing Address: PO Box 371929 Las Vegas, NV 89137

b. Permanent Telephone Number: 702.569.4789

c. Current Email Address: kholtman@holtmanlaw.com

d. Alternate Email Address: holtmank@gmail.com

e. Alternate Mailing Address: None disclosed

f. “Accurint” Alternate Address: 9920 Woodhouse Drive, Las Vegas,
NV 89134

B. Service of the Complaints

4. The State Bar of Nevada filed two independent Complaints on May 4, 2021.

5. The State Bar sent the Complaints to Respondent via certified US mail (SCR 109(1)) and first-class regular mail to Respondent’s SCR 79 Permanent Mailing Address on May 4, 2021.

6. The State Bar also sent the Complaints by certified mail (SCR109(1)) to the alternate address identified with the Respondent on May 4, 2021.

7. The State Bar also attempted to provide Respondent notice of the Complaints by directing them to his SCR 79 current email and alternate email address.

8. Response was due from Respondent on May 27, 2021 (twenty days plus three days for service by mail).

9. No answer or responsive pleading has been filed by Respondent.

C. Service of the Notices of Intent to Proceed on a Default Basis

10. The State Bar filed two independent Notices of Intent to Proceed on a Default Basis (“NOIPD”) corresponding to the two Complaints above, against Respondent on May 26, 2021.

11. The State Bar sent the two NOIPDs (accompanied by the ‘complaint and First Designation’) via certified US mail (SCR109(1)) and first-class regular mail to Respondent’s SCR 79 Permanent Mailing Address on May 26, 2021.

12. The State Bar also attempted service of the NOIPD via certified US mail (SCR 109(1)) sent to the alternate address identified with the Respondent on May 26, 2021.

13. The State Bar also attempted to provide Respondent notice of the NOIPDs by directing them to his SCR 79 current email.

14. Response was due on June 16, 2021.

15. No Answer or responsive pleading has been filed by Respondent.

CONCLUSIONS OF LAW

1. Rule 109 of the Nevada Supreme Court Rules states that service on a Respondent shall be made as follows

1. Complaint. Service of a complaint under these rules shall be made by personal service by any person authorized in the

manner prescribed by [Nevada Rule of Civil Procedure 4\(c\)](#), or by registered or certified mail at the current address shown in the state bar's records or other last known address.

2. Other papers. Service of other papers or notices required by these rules shall be made in accordance with [Nevada Rule of Civil Procedure 5](#), unless otherwise provided by these rules.

2. The State Bar complied with the service requirements for the two Complaints.

3. In accordance with Disciplinary Rule of Procedure (“DRP”) 14(c) notice of intent to enter default shall be made as follows:

(c) Failure to file verified response or answer. In the event the respondent fails to plead, Bar counsel shall file a Notice of Intent to Proceed on Default Basis. This Notice of Intent shall be served on the respondent with a date to file a verified answer that is twenty (20) days from the date of filing the notice. A copy of the complaint and First Designation shall also accompany the notice of intent. If the Respondent fails to respond after the notice of intent is served, the charges in the complaint shall be deemed admitted...

4. The State Bar complied with the DRP service requirements for the NOIPDs.

5. The State Bar went beyond the requirements to notify Respondent of the pending Complaints and his affirmative obligation to respond thereto.

6. Respondent has failed to respond to the two Complaints.

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ORDER OF DEFAULT

NOW THEREFORE, Respondent having failed to comply with SCR 105(2) by having failed to respond to (i) the Complaint and (ii) the Notice of Intent to Proceed on a Default Basis that were properly served by the State Bar to Respondent’s SCR 79 address(es) of record:

DEFAULT is hereby entered against Respondent and the charges in Complaints OBC20-1208 & OBC20-1249 shall be deemed admitted. SCR 105(2). The Formal Hearing of September 2, 2021, at 9:00 will commence as scheduled for the limited purpose of determining appropriate disciplinary sanctions via simultaneous Audio-Visual transmission (i.e. “Zoom” AV platform), the hosting and ‘link’ to be provided by the State Bar.

IT IS SO ORDERED.

DATED this 9th day of August, 2021.

By: *Nell Christensen*
Nell Christensen, Esq., Hearing Panel Chair
SOUTHERN NEVADA DISCIPLINARY BOARD

Submitted By:
STATE BAR OF NEVADA
DANIEL M. HOOGE, Bar Counsel

By: *Bruce Hahn*
Bruce C. Hahn, Assistant Bar Counsel
Nevada Bar No. 5011
3100 W. Charleston Blvd, Ste. 100
Las Vegas, Nevada 89102
(702) 382-2200
bruceh@nvbar.org

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CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **ORDER OF DEFAULT** was deposited via electronic mail to:

1. Nell Christensen, Esq. (Panel Chair): nell.christensen@clarkcountyda.com
2. Kevin Holtman, Esq. (Respondent): kholtman@holtmanlaw.com (SCR 79 Email)
holtmank@gmail.com (Alternate Email)
3. Bruce Hahn (Assistant Bar Counsel): bruceh@nvbar.org

And mailed to:

Kevin Holtman, Esq.
PO Box 371929
Las Vegas, NV 89137
(SCR 79 address)

And:

Kevin Holtman, Esq.
9920 Woodhouse Drive
Las Vegas, NV 89134
(Alternate Address)

Dated this 12th day of August 2021.

Sonia Del Rio

Sonia Del Rio, an employee
of the State Bar of Nevada

AFFIDAVIT OF SERVICE



FILED

AUG 18 2021

STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD
CLARK COUNTY, STATE OF NEVADA

STATE BAR OF NEVADA
BY: [Signature]
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA,

Complainant

v.

KEVIN HOLTMAN, ESQ.
NV BAR NO. 11603,

Respondent

Case No.: OBC20-1208
Bruce C Hahn Esq., Bar No. 5011
OFFICE OF BAR COUNSEL
3100 W. Charleston 100
Las Vegas, NV 89102
(702) 382-2200
Attorneys for the Complainant
Client File# OBC20-1208

I, John White, being sworn, states: That I am a licensed process server registered in Nevada. I received a copy of the Complaint; Notice Of Telephonic Initial Case Conference; Order Appointing Hearing Panel; Notice Of Intent To Proceed On A Default Basis; Motion For Default Entry; Declaration Of Service In Support Of Entry Of Default; Scheduling & Case Consolidation Order At Initial Conference; Initial Disclosure Of Documents And Witnesses; Final Disclosure of Documents And Witnesses; Order Appointing Formal Hearing Panel; Notice Of Formal Hearing; Declaration of Mailing, from OFFICE OF BAR COUNSEL.

That on 8/11/2021 at 10:48 AM at 9920 Woodhouse Drive, Las Vegas, NV 89134 I served Kevin D. Holtman, Esq. with the above-listed documents by personally delivering a true and correct copy of the documents by leaving with Kevin D. Holtman, Esq..

That the description of the person actually served is as follows:

Gender: Male, Race: Caucasian, Age: 46 - 50 yrs., Height: 5'7 - 6'0, Weight: 261 - 280 lbs., Hair: Brown, Eyes: N/A

I being duly sworn, states: that all times herein, Affiant was and is over 18 years of age, not a party to or interested in the proceedings in which this Affidavit is made. I declare under penalty of perjury that the foregoing is true and correct.

Date: 8/16/2021

[Signature]
John White
Registered Work Card# R-2019-00318
State of Nevada

(No Notary Per NRS 53.045)

Service Provided for:
Nationwide Legal Nevada, LLC
626 S. 7th Street
Las Vegas, NV 89101
(702) 385-5444
Nevada Lic # 1656



Control #: NV245680
Reference: OBC20-1208

DECLARATION OF SONIA DEL RIO

CUSTODIAN OF RECORDS

SONIA DEL RIO, under penalty of perjury, being first duly sworn, declares and says as follows:

1. That Declarant is employed as a Hearing Paralegal for the Office of Bar Counsel of the State Bar of Nevada and in such capacity is the custodian of records for the State Bar of Nevada;
2. That Declarant has reviewed the State Bar of Nevada membership records regarding Respondent Kevin D. Holtman, Nevada Bar number 11603, and has verified that he was first licensed to practice law in the State of Nevada on October 22, 2009.
3. That Declarant has reviewed the State Bar of Nevada membership records and confirmed Respondent is CLE Suspended as of June 21, 2021.
4. That Declarant has reviewed the State Bar of Nevada discipline records regarding Respondent and has verified that he has no prior discipline.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 26th day of August, 2021.

Sonia Del Rio

Sonia Del Rio
Hearing Paralegal
Office of Bar Counsel

From: nevadabarforms@gmail.com
To: [complaints: nevadabarforms@gmail.com](mailto:complaints:nevadabarforms@gmail.com)
Subject: New submission from File a Complaint Online
Date: Monday, November 9, 2020 5:50:13 AM

First, Middle and Last Name
John E Kern
Your Address
5804 Cozumel Place Las Vegas, NV 89131 Map It
Your Email
johnekern@gmail.com
Your Primary Telephone Number
(702) 998-4226
Your Secondary Telephone Number
(702) 686-9283
Attorney Information
Attorney Name
Kevin D. Holtman
Law Firm Name
Law Office of Kevin D. Holtman
Attorney Address
P.O. Box 371929 Las Vegas, NV 89137 Map It
Previous Contact with the State Bar of Nevada
Have you previously contacted the State Bar of Nevada regarding this matter?
Yes
If yes, when and how did you contact us?
Email on 11/5/2020 requesting status on the complaint I sent via US Mail.
Hiring the Attorney
Did you hire/retain the attorney about whom you are complaining?
Yes
When did the representation begin?
June 10, 2019
What was the fee arrangement?

Contingency
How much have you paid the lawyer to date?
0
Brief description of the nature of the case the attorney was engaged to handle (i.e. personal injury, criminal, malpractice)
Personal injury
Names and contact information for other persons who can provide additional information concerning your complaint
Insurance companies provided in complaint
Explanation of Grievance
Complaint Details
<p>I feel very strongly that Kevin Dennis Holtman, Bar # 11603, from the Law Office of Kevin D. Holtman violated the Nevada Rules of Professional Conduct by not providing competent representation, not displaying reasonable diligence & promptness, and not communicating with me while he was representing me in an insurance claim from a motorcycle accident that I had on June 4, 2019.</p> <p>I was rear ended on my motorcycle while sitting at a red light on June 4, 2019 at 1:47PM at N Jones & W Lone Mountain in Las Vegas. While the light was still red an Enterprise Rental Truck hit a BMW automobile behind me and drove the BMW into me. I have a police report from LVMPD for the incident that is attached as a part of my client file. The driver, Ramiro Mendez Cuevas, of the Enterprise Rental Truck was found to be at fault for this incident per the State of Nevada Traffic Crash Report. I was knocked off and under the bike. I had pain in my right ankle, knee, and back. My motorcycle sustained about \$6,000 worth of damages and was repaired by Red Rock Harley-Davidson under my personal State Farm Insurance policy. State Farm Insurance has done a great job handling my claim and even refunded my \$500 deductible on August 30, 2019 once they had established a claim with Eastern Atlantic Insurance. I am fortunate State Farm was so timely because I know now that if I relied on Mr. Holtman to represent me I'd probably still be waiting for repairs. Elco Claim Services was handling claims for Enterprise and their claim number is 14533357. Eastern Atlantic Insurance is handling claims for the driver and their claim number is 9171. I went to UMC Quick Care on June 4, 2019 @ 4:45PM and then again on June 9, 2019 @ 9:00AM. I also went to Advanced Manual Therapy Institute for a series of Physical Therapy treatments starting on June 10, 2019 and ending on July 17, 2019.</p> <p>I contacted Mr. Holtman on June 4, 2019 to inform him I might be seeking representation for any claim. On June 10, 2019 I signed a "Retainer and Employment Agreement" with Mr. Holtman. I had requested a copy of the executed document but Mr. Holtman never provided me a copy. The form that was returned to me with the rest of my client file on July 18, 2020 wasn't signed by Mr. Holtman and wasn't completed. Not providing my copy as requested and not completing the form is indicative of the poor quality and lack of attention to detail that Mr. Holtman demonstrated while representing me on my claim.</p> <p>Mr. Holtman had stated during our conversation on June 10, 2019 that he would be sending letters of representation to all insurance companies involved so any contact with them would be funneled through him. Based on a review of my client file Mr. Holtman didn't send a representation letter to the insurance company, AAA, for the BMW that was pushed into me by the driver of the Enterprise Truck. The name of insured, insurance company, and policy number for the BMW were provided on the LVMPD accident report. I also did not find a representation letter to my insurance company (State Farm Insurance) even though Mr. Holtman had stated he would send one as a matter of process. Mr. Holtman either didn't send representation letters to all the insurance companies involved as promised or he didn't provide my complete client file as promised. His generation of the initial representation letter to Elco Claim Services was not very timely since he sent it almost two months after I initially retained him.</p>

Mr. Holtman appears to have completely missed the involvement of Eastern Atlantic Insurance in this claim even though he had ample opportunity over the last thirteen months to discover this from several sources. He received information regarding another insurance company's involvement in this claim on November 7, 2019 when I forwarded the voice mail and transcript from Mark Sprague at Eastern Atlantic Insurance. He also had the opportunity to request State Farm Insurance provide him the name of the insurance company that they filed a claim against for the damages to my motorcycle when I notified Mr. Mr. Holtman on August 30, 2020 that State Farm had reimbursed my deductible. Based on a review of the client file that I was provided I do not see any communication from Mr. Holtman with Eastern Atlantic Insurance regarding my claim. When I asked him in July, 2020 the name of the insurance company handling this claim I received no reply.

I went to UMC Quick Care on June 4, 2019 and June 9, 2019. I do not see anything in the client file provided of any requests from Mr. Holtman for my records. The damages portion of his demand letter to Elco Claim Services on November 1, 2019 only lists Medical from Advanced Manual Therapy Institute For my visit to UMC on June 9, 2019 I also received care from Desert Radiology Solutions LLC. I did not see any communications from Mr. Holtman to UMC and they are not mentioned in the damages portion of his demand letter to Elco Claim Services.

I attempted to contact Mr. Holtman more than ten times via telephone and text from January 10, 2020 to June 30, 2020 to obtain status on my claim and the last time I had any communications from Mr. Holtman was on November 7, 2019. In addition to the seven attempts to communicate with Mr. Holtman via text messaging I also called Mr. Holtman's telephone number and left messages on at least three occasions early in 2020 but did not record the dates and times. My girlfriend used to supervise Mr. Holtman's wife in a former job and maintains a relationship with her. As a last attempt to get status I asked my girlfriend to reach out to Mrs. Holtman to see if she could get him to provide status to me. I heard nothing from Mr. Holtman so I decided to terminate his representation and find new counsel.

Another example of Mr. Holtman's attention to detail, skill and thoroughness is displayed in his drop letter. In our initial email exchange, I asked that he release any liens he might have on my claim. His first letter ignored this request and it took an email prompt to get another version of the letter generated that provided the release.

I also think Mr. Holtman has a serious problem with a lack candor and truthfulness based on my experiences with him. I think the most egregious example is his blaming the current COVID situation on why he didn't respond to my requests for status. I requested status from Mr. Holtman on at least six different occasions in January, 2020 several months before any COVID disruptions. I do not think just mailing letters instead of using email or telephone to contact parties shows any reasonable diligence in acting on a client's behalf. I do not see any copies of emails or any sort of telephone log from Mr. Holtman in my client file. Either he didn't make any attempts via telephone or email, didn't document them as you might expect a thorough attorney, or didn't provide my complete client file as requested. When I reached out to Elco Claim Services via email I received a reply within two days. When I reached out to State Farm insurance via email to find out the name of the other insurance company I received a reply with two business days. Another example is his response to my providing the voice mail from Eastern Atlantic Insurance. He said he had contacted "them" to fix the telephone numbers. I am not sure how he would have done this without discovering that another insurance company (Eastern Atlantic Insurance) was now involved in this claim. I do not see any documentation in my client file for proof of delivery for any of the letters that Mr. Holtman allegedly sent to Elco Claim Services. I do not have any confidence that the letters he provided in my client file for January 10, 2020 and April 20, 2020 were sent or received by Elco Claim Services without any proof of delivery documentation. Mr. Holtman did send my client file via USPS First Class Mail – Certified Mail so it appears he does recognize the value of proof of delivery documentation.

I feel that Mr. Holtman should be disciplined by the State Bar of Nevada for grossly violating his professional responsibilities to his client due to a lack of competence, diligence, and communication while representing me in my insurance claim. I feel very strongly that Mr. Holtman has put my claim at a severe disadvantage with the insurance companies by wasting more than a year plus by not being thorough and apparently missing the involvement of the primary insurance company (Eastern Atlantic Insurance). At a

minimum he should have discovered that another insurance company was involved by making a few telephone calls or transmitting emails if he was acting with reasonable diligence and promptness. When I reached out to Elco Claim Services and State Farm Insurance they provided the Eastern Atlantic Insurance and the claim number within a few days. He also had the voice mail from November 6, 2019 to rely on. I attempted to contact Mr. Holtman more than ten times via telephone and text over the last seven months to obtain status on my claim. The last time I had received any communication from Mr. Holtman was on November 7, 2019 which I think is not promptly responding to reasonable requests for information. I think his behavior clearly and extensively violates the Nevada Rules of Professional Conduct and he should be disciplined accordingly.

Explain what measures you have taken to resolve this matter directly with the attorney

During my "representation" from Holtman I contacted him more than eight times in an attempt to get status on my case. I have an electronic copy of my client file from Holtman that I can provide. Your submission process wouldn't accept the file.

Related File(s)

- [14.-Holtman-KernFile-CertifiedMail-2020-0716.pdf](#)
- [13.-EasternAtlanticInsurance-Voicemail-2019-1106.m4a](#)
- [12.-Holtman-TextMessages.pdf](#)
- [11.-StateFarm-Letter-2020-0721.pdf](#)
- [10.-StateFarm-2020-0721-Email.pdf](#)
- [9.-Holtman-Email-2020-0715.pdf](#)
- [8.-Holtman-Email-2020-0708.pdf](#)
- [7.-Holtman-Email-2019-0830.pdf](#)
- [6.-Holtman-Email-2019-0617.pdf](#)
- [5.-Holtman-Email-2019-0614-PT-Status-Damaged-Shoes.pdf](#)
- [4.-ElcoClaim-Email-2020-0710.pdf](#)
- [3.-Holtman-Fax-2020-0701.pdf](#)
- [2.-Letter-J.Kern .0715.20.pdf](#)
- [Holtman-Complaint.pdf](#)

[Back](#)

Delivered, Individual Picked Up at Postal Facility

7020 0090 0001 6648 1107 **Delivered**

Add Nickname +

LAS VEGAS ,NV

First-Class Mail® -- Certified Mail™

Remove From Dashboard

Add Delivery Instructions



Note: DI not available for this package.

Scan History

Jul 20	12:50 pm	Delivered, Individual Picked Up at Postal Facility LAS VEGAS,NV 89130
Jul 18	5:39 pm	Notice Left (No Authorized Recipient Available) LAS VEGAS,NV 89131
Jul 18		In Transit to Next Facility
Jul 17	6:44 pm	Departed USPS Regional Facility LAS VEGAS NV DISTRIBUTION CENTER
Jul 16	9:45 pm	Arrived at USPS Regional Facility LAS VEGAS NV DISTRIBUTION CENTER
Jul 16	10:37 am	USPS in possession of item LAS VEGAS,NV 89134

**Nevada Rules of Professional Conduct Complaint
Violations of Rules 1.1, 1.3, and 1.4**

Contact Information	John E. Kern 5805 Cozumel Place Las Vegas, NV 89131 Email = johnekern@gmail.com Home telephone = 702-998-4226
Attorney Contact Information	Kevin D. Holtman Attorney at Law Law Office of Kevin D. Holtman P.O. Box 371929 Las Vegas, NV 89137 iPhone (messaging) = +1 (206) 779-1447 Phone: 702-569-4789 Fax: 702-548-1583
Previous contacts with the State Bar of Nevada	None
Hiring the attorney:	I had first contacted Mr. Holtman on June 4, 2019 when I was considering whether or not I wanted to hire an attorney. On June 10, 2019 I signed a "Retainer and Employment Agreement" with Mr. Holtman. On July 11, 2020 I terminated Mr. Holtman's representation.
Witnesses	Not Applicable
Litigation	Not Applicable. Insurance claim.

Explanation of Grievance

I feel very strongly that Kevin Dennis Holtman, Bar # 11603, from the Law Office of Kevin D. Holtman violated the Nevada Rules of Professional Conduct by not providing competent representation, not displaying reasonable diligence & promptness, and not communicating with me while he was representing me in an insurance claim from a motorcycle accident that I had on June 4, 2019.

I was rear ended on my motorcycle while sitting at a red light on June 4, 2019 at 1:47PM at N Jones & W Lone Mountain in Las Vegas. While the light was still red an Enterprise Rental Truck hit a BMW automobile behind me and drove the BMW into me. I have a police report from LVMPD for the incident that is attached as a part of my client file. The driver, Ramiro Mendez Cuevas, of the Enterprise Rental Truck was found to be at fault for this incident per the State of Nevada Traffic Crash Report. I was knocked off and under the bike. I had pain in my right ankle, knee, and back. My motorcycle sustained about \$6,000 worth of damages and was repaired by Red Rock Harley-Davidson under my personal State Farm Insurance policy. State Farm Insurance has done a great job handling my claim and even refunded my \$500 deductible on August 30, 2019 once they had established a claim with Eastern Atlantic Insurance. I am fortunate State Farm was so timely because I know now that if I relied on Mr. Holtman to represent me I'd probably still be waiting for repairs. Elco Claim Services was handling claims for Enterprise and their claim number is 14533357. Eastern Atlantic Insurance is handling claims for the driver and their claim number is 9171. I went to UMC Quick Care on June 4, 2019 @ 4:45PM

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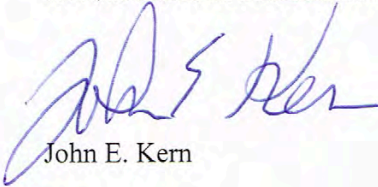
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Complaint resolution

I feel that Mr. Holtman should be disciplined by the State Bar of Nevada for grossly violating his professional responsibilities to his client due to a lack of competence, diligence, and communication while representing me in my insurance claim. I feel very strongly that Mr. Holtman has put my claim at a severe disadvantage with the insurance companies by wasting more than a year plus by not being thorough and apparently missing the involvement of the primary insurance company (Eastern Atlantic Insurance). At a minimum he should have discovered that another insurance company was involved by making a few telephone calls or transmitting emails if he was acting with reasonable diligence and promptness. When I reached out to Elco Claim Services and State Farm Insurance they provided the Eastern Atlantic Insurance and the claim number within a few days. He also had the voice mail from November 6, 2019 to rely on. I attempted to contact Mr. Holtman more than ten times via telephone and text over the last seven months to obtain status on my claim. The last time I had received any communication from Mr. Holtman was on November 7, 2019 which I think is not promptly responding to reasonable requests for information. I think his behavior clearly and extensively violates the Nevada Rules of Professional Conduct and he should be disciplined accordingly.



John E. Kern

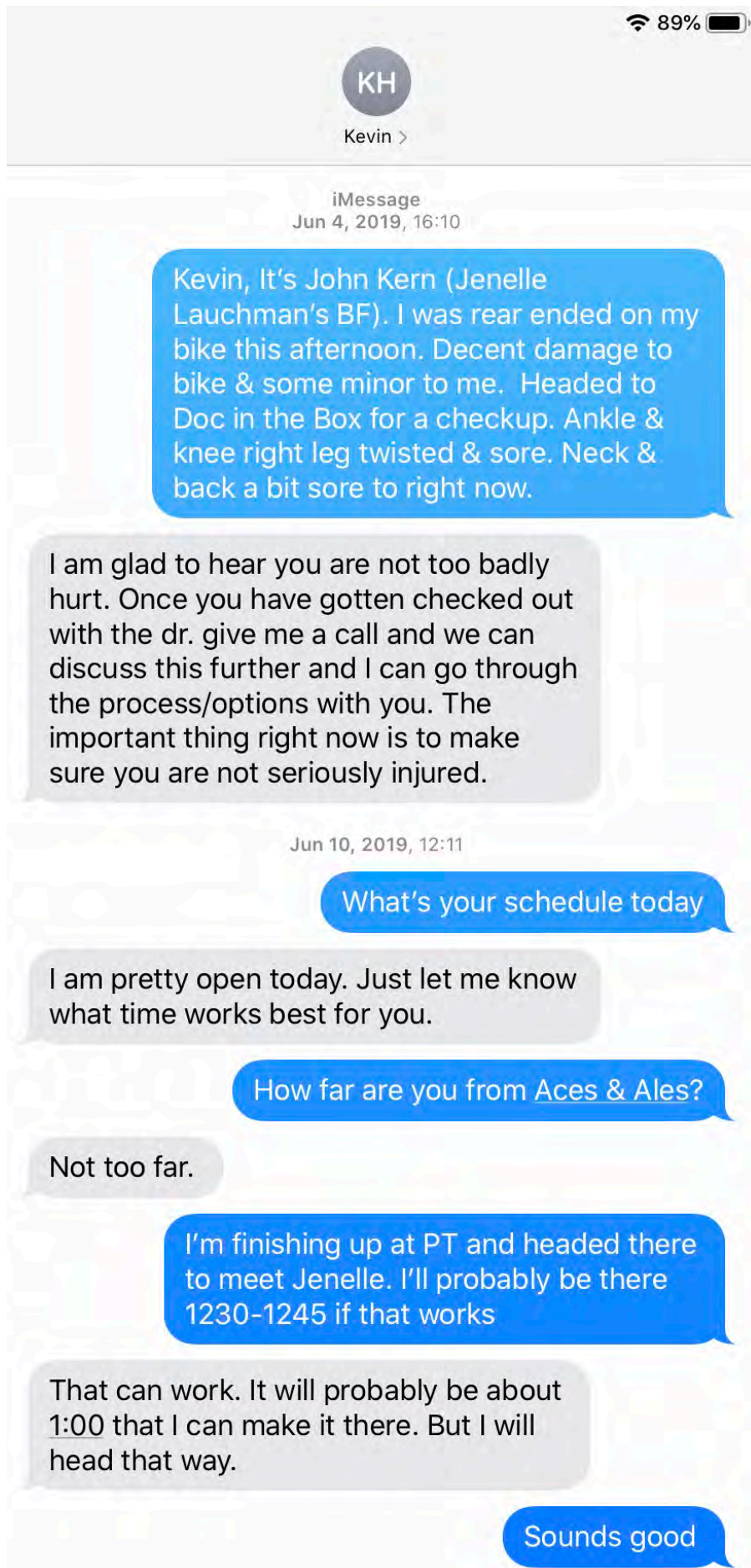
Timeline

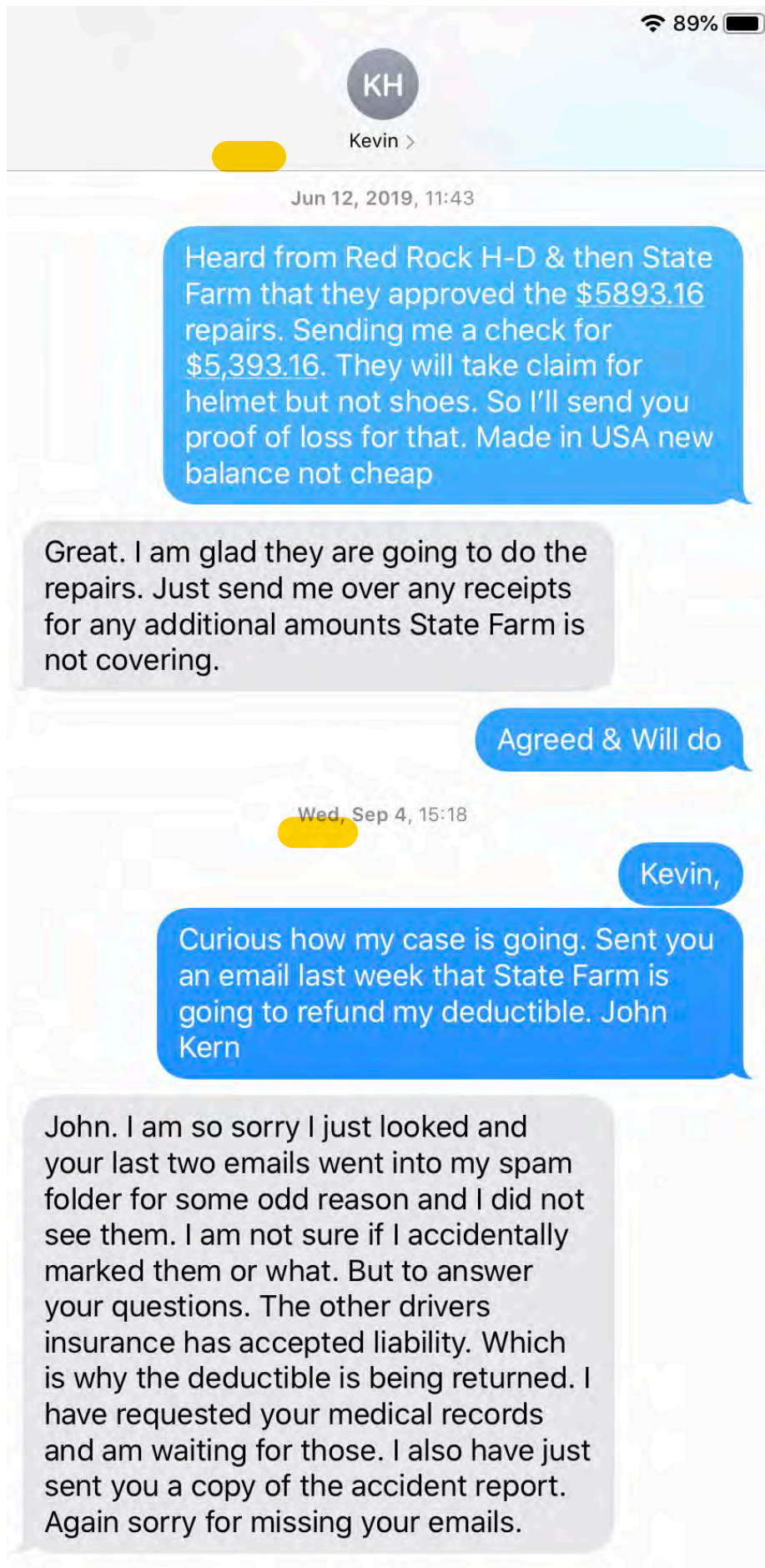
Date	Event
06/04/2019	Accident at N Jones & W Lone Mountain in Las Vegas.
06/04/2019	UMC visit #1.
06/04/2019	I contacted (text message) Mr. Holtman and then talked to him via telephone regarding possibly requiring representation.
06/06/2019	Elco Claim Services sent a letter to my home address that they handle claims for Enterprise Rent-A-Car and provides claim number and contact information for June 4, 2019 accident.
06/07/2019	I forwarded to Mr. Holtman a scanned copy of letter received from Elco Claim Services on June 6, 2019 via email.
06/09/2019	UMC visit #2.
06/10/2019	First physical therapy treatment at Advanced Manual Therapy Institute.
06/10/2019	I retained Mr. Holtman.
06/12/2019	I informed Mr. Holtman via a text message that State Farm Insurance had approved the \$5,893.16 in repairs at Red Rock Harley-Davidson on my bike and that they would be sending me a check for \$5,393.16 (repairs minus \$500 deductible). I also mentioned they would take a claim for my damaged helmet but not the damaged shoes. He responded for me to send over any receipts not covered by State Farm.
06/13/2019	I emailed Mr. Holtman receipt and photos of the damaged shoes plus provided status of my visits to Advanced Manual Therapy Institute.
06/14/2019	Mr. Holtman responded to my June 13, 2019 email.
07/17/2019	Last treatment at Advanced Manual Therapy Institute.
08/29/2019	Mr. Holtman sent representation letter to Elco Claim Services.
08/30/2019	I received an email from State Farm that they were going to refund my deductible.
08/30/2019	I forwarded email from State Farm to Mr. Holtman.
09/03/2019	Mr. Holtman sent a letter to Advanced Manual Therapy Institute requesting my records.
09/04/2019	I texted Mr. Holtman for status on claim and reminded him that I sent an email with copy of the letter that State Farm was going to refund my deductible. Gave status but stated he hadn't seen my last two emails. He had responded to one of these emails so I do not think this is necessarily truthful.
10/07/2019	Text exchange with Mr. Holtman regarding Advanced Manual Therapy Institute plus my requesting status on my case. He replied with status.
10/09/2019	Records from Advanced Manual Therapy Institute have 10/9/2019 10:17AM timestamp on them. Records are in client file.
11/01/2019	Mr. Holtman sends demand letter to Elco Claim Services.
11/06/2019	Mark Sprague from Eastern Atlantic Insurance left voice mail on my mobile number requesting call back on June 4, 2019 accident.
11/07/2019	I forwarded the transcript and audio file from 11/06/2019 voice mail from Eastern Atlantic Insurance to Mr. Holtman via Apple messaging. I commented that the person that left the voicemail addressed me as Mr. Moore who was the driver of the BMW. Mr. Holtman did respond to these messages and stated that he had contacted "them" to let them know they mixed up the numbers. Not sure how if did this without discovering that this voice mail was from Eastern Atlantic Insurance not Elco Claim Services. This is the last I heard from Mr. Holtman until his response to my demand for status letter on 07/01/2020.

Date	Event
01/10/2020	Mr. Holtman sent a letter Elco Claim Services requesting status. In the text exchange on 11/07/2019 Mr. Holtman stated that he had sent a demand to Elco Claim Services last week, which would match the November 1, 2019 letter, and he gave them 14 days to respond. This follow up is more than sixty days which isn't very prompt or what he had committed to.
01/10/2020	I texted Mr. Holtman for status on my claim. No response.
01/23/2020	I texted Mr. Holtman for status on my claim. No response.
01/24/2020	I texted Mr. Holtman for status on my claim. No response.
01/27/2020	I texted Mr. Holtman for status on my claim. No response.
04/20/2020	Mr. Holtman sent a letter to Elco Claim Services with a deadline of May 4, 2020 to respond to his November, 2019 demand letter. I did not see anything in the client file that he had done anything after this May 4, 2020 deadline.
06/04/2020	I texted Mr. Holtman for status on my claim. No response.
06/15/2020	I texted Mr. Holtman for status on my claim. No response.
06/30/2020	I texted Mr. Holtman for status on my claim. No response.
07/01/2020	Kern sends letter demanding status on case to Mr. Holtman via email and fax.
07/08/2020	Mr. Holtman responds to email apologizing for not responding to my other requests for status but blamed COVID for the insurance company not getting back to him. I did find it entertaining that he waited the seven days stated in my communications to him.
07/08/2020	I sent an email to Elco Claim Services requesting status on my claim. I used the email address provided on 06/06/2019 letter that was provided to Mr. Holtman on 06/07/2019. I also called the number provided on 06/06/2019 letter and received a recording that stated their adjusters were working remotely due to COVID. The announcement then provided an email address to send any inquiries.
07/10/2020	I received an email response from Elco Claim Services stating that they were no longer handling the claim because the renter had personal insurance.
07/11/2020	I responded to the email from Mr. Holtman on 07/08/2020 that I no longer wished for him to represent me on this claim and requested an expedited transmission of my client file plus a release of any liens he might have on the claim.
07/15/2020	I received an email from Mr. Holtman with a copy of my file plus a letter ceasing representation.
07/15/2020	I responded to email from Mr. Holtman reminding him he had agreed to release any lien on my claim and his letter did not provide this.
07/15/2020	I received an email from Mr. Holtman with a new letter that included the release.
07/17/2020	I sent an email to State Farm Insurance asking them the name of the insurance company they had collected from. Note: I was under the impression that State Farm had already collected from Eastern Atlantic Insurance. My new law firm informed me that State Farm had filed a claim against them and refunded my deductible as an gesture of excellent customer service.
07/18/2020	I received the paper copy of my client file from Mr. Holtman.
07/21/2020	I received an email response from State Farm Insurance with Eastern Atlantic Insurance, a claim number of 9171, plus the email address and telephone number of Mark Sprague, Claim Representative.

Supporting Materials

1. Copy of electronic client file as provided by Mr. Holtman via email on July 15, 2020. He mailed the paper copy of the client file and it matches what was transmitted electronically. File includes Retainer and Employment Agreement, LVMPD Initial/Final Accident Report, Advanced Manual Therapy Institute records, and correspondence from Mr. Holtman to Elco Claim services.
2. Copy of Representation letter from Mr. Holtman that includes the release of any lien on my claim.
3. Copy of Fax that I sent to Mr. Holtman on July 1, 2020 demanding status.
4. Copy of email exchange with Elco Claim Services July 8, 2020 and July 10, 2020 with Mark Sprague's contact information and claim number.
5. Copy of email exchange on June 13, 2019 and June 14, 2019 between Mr. Holtman and I.
6. Copy of email exchange on June 17, 2019 and June 18, 2019 between Mr. Holtman and I.
7. Copy of email that I sent to Mr. Holtman on August 30, 2019 informing him that State Farm Insurance had refunded my \$500 deductible.
8. Copy of email exchange on July 1, 2020, July 8, 2020, and July 11, 2020 between Mr. Holtman and I.
9. Copy of email exchange on July 15, 2020 between Mr. Holtman and I.
10. Copy of email that I sent to State Farm Insurance on July 17, 2020.
11. Copy of letter from State Farm Insurance on July 21, 2020 regarding Eastern Atlantic Insurance.
12. Copy of "screen shots" of communications between Mr. Holtman and I via Apple messaging from June 4, 2019 through June 30, 2020.
13. Audio file of voice mail from Mark Sprague at Eastern Atlantic Insurance received on my cellular telephone and forward to Mr. Holtman on November 6, 2019.
14. Proof of delivery for client file sent by Mr. Holtman to me via USPS First Class Mail – Certified Mail.





Mon, Oct 7, 12:07

Monday, October 6, 2019 LAS VEGAS REVIEW-JOURNAL

Therapist suspected of sexual assault at

think there could be other victims

Police are searching for other victims of the assault.

46, was arrested on charges of sexual assault and gross lewdness in the North Las Vegas area.

received a report of the assault on Sept. 16.

Rantissi has had an active license with the Nevada Physical Therapy Board since May 2003, according to its website. He did not have any disciplinary action listed on the board's website.

According to the Advanced Manual Therapy Institute's website, Rantissi has practiced as an occupational and physical therapist in Las Vegas since 2003.

The Advanced Manual Therapy Institute opened in August 2005

and has offices in North Las Vegas, Summerlin and Henderson. The offices are at 6424 Losee Road, 8988 W. Cheyenne Ave. and 2625 W. Horizon Ridge Parkway, the website states.

Because of the "sexual motivations behind this crime," investigators believe the person allegedly assaulted by Rantissi may not be the only victim, the release states. Police are looking to speak with possible employees, patients and others.

Rantissi was released after posting bond Friday, court records show. He is scheduled to appear in



Michel Rantissi Jr.

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Anyone with
contact a dete

Contact Kat
kneueberg@rei
702-383-0240.
on Twitter.

Mon, Oct 7, 13:22

That was the PT I went to

Mon, Oct 7, 15:18

That is so crazy

From a selfish perspective I hope you got what you needed from them

Innocent until proven guilty but sounds like there's more than one complaint.

Wow. So it looks like it was during his treatments? Insane.

Any status on my case

I have been waiting on the records. I was in China this last week and a half and am actually on the plane on the way back so I am hoping the records are there when I get back. I am hoping this new revelation will not delay or complicate things for the records. I will let you know when I get back and have a chance to follow up on the records.



Thu, Nov 7, 13:18

Voicemail

+1 (717) 561-4480

Harrisburg, PA

November 5, 2019 at 10:56



Transcription Beta

"Hi Mr. Moore this is Mark spraygun with Eastern Atlantic insurance on this accident out of Las Vegas __ June 4 when you get a chance would you call me at 866-239-2455 extension 2375 thank you..."

Was this transcription [useful](#) or [not useful](#)?

0:00

-0:18

Received this voice mail two days ago. The transcript is pretty accurate for a change. Thought it made more sense for you to call. Moore was the driver of the BMW that was pushed into me. What's going on with my case?



voicemail-556.m4a

Weird. Not sure why they have your numbers mixed up. I did get your records finally from the pt and sent a demand last week. I am just waiting to hear back. I give them 14 days so I should hear something soon. I start with a policy limit demand and then we go from there. Your meds were about 4.5k.



Kevin >



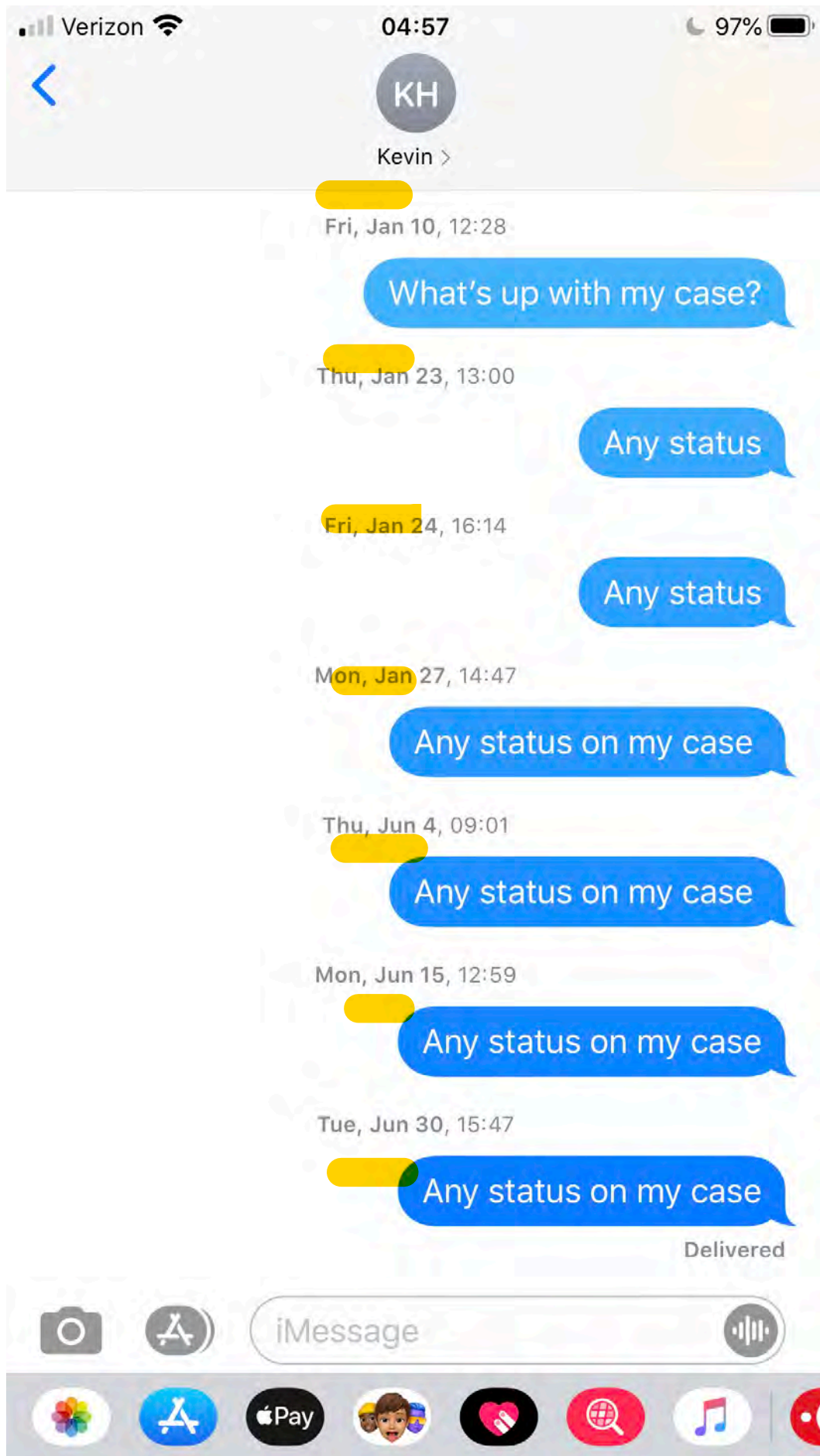
I will also let them know that they mixed up the numbers and make sure they have it right in their system so you don't get. Any more of these calls

Thanks

Plus some "lost" days at work for \$ impact too

Yes I included that you had to use PTO days as well so we will see what they come back with and negotiate from there





July 21, 2020

John Kern
5805 Cozumel PI
Las Vegas NV 89131-3924

Subrogation Services
PO Box 106172
Atlanta GA 30348-6172

RE: Claim Number: 28-02D2-38F
Date of Loss: June 4, 2019
Our Insured: John Kern

Dear John Kern:

As discussed, you understand we will attempt to recover the money paid on this property damage claim, including your deductible. We will keep you informed on our progress.

If you incurred any additional property damages which were not covered by your policy, you should contact the liable party or that person's liability insurance carrier to request payment for those property damages. That contact information is as follows:

Liable Party:	Ramiro Mendez Cuevas
Name of Liability Carrier:	Eastern Atlantic Insurance
Claim Representative:	Mark Sprague
Address:	PO Box 4499 Harrisburg PA 17111-0499
Phone Number:	(866) 239-2455 x2375
Claim Number:	9171
Email:	mark.sprague@iadclaims.com

You can enjoy the benefits of online registration. Benefits include 24/7 access to your claim progress and staying connected to State Farm®. Just go to **statefarm.com®** and select Manage Your Claim to get registered. All you need to complete the process is some initial information, which may include your claim number, email address, and/or your State Farm policy or account number. It only takes a few minutes. If you are already registered, thank you!

Sincerely,

Rochelle Brown
Claim Associate
(877) 787-8276 Ext. 2059444908

State Farm Mutual Automobile Insurance Company

From: HOME CLMS-STATEFARMCLAIMS statefarmclaims@statefarm.com
Subject: 28-02D2-38F
Date: July 21, 2020 at 10:57 AM
To: johnekern@gmail.com

HC



statefarm.com[®]

Please open the attachment(s) for more claim information or next steps.

For your protection, please do not include sensitive personal information such as Social Security Number, credit/debit card number (financial account number), driver's license number, or health/medical information in an email. If you must send this type of information to State Farm, please contact your claim associate to request a secure email channel.

Don't miss a call about your Auto claim from State Farm[®]!
Text AUTO to 62789 for your claim contact card or [download](#) it from your mobile device.

Don't miss a call about your Homeowners claim from State Farm[®]!
Text HOME to 62789 for your claim contact card or [download](#) it from your mobile device.

Rochelle Brown, AINS

Claim Associate-Subrogation Services
Phone: 877-787-8276 ext 205-944-4908
Fax: 866-231-9276
Email: statefarmclaims@statefarm.com

re³markable[™]

Every Customer | Every Interaction | Every Day



July 21, 2020

John Kern
5805 Cozumel Pl

Subrogation Services
PO Box 106172

RE: Claim Number: 28-02D2-38F
Date of Loss: June 4, 2019
Our Insured: John Kern

Dear John Kern:

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If you incurred any additional property damages which were not covered by your policy, you should contact the liable party or that person's liability insurance carrier to request payment for those property damages. That contact information is as follows:

Liable Party: Ramiro Mendez Cuevas
Name of Liability Carrier: Eastern Atlantic Insurance
Claim Representative: Mark Sprague
Address: PO Box 4499 Harrisburg PA 17111-0499
Phone Number: (866) 239-2455 x2375
Claim Number: 9171
Email: mark.sprague@iadclaims.com

You can enjoy the benefits of online registration. Benefits include 24/7 access to your claim progress and staying connected to State Farm®. Just go to **statefarm.com**® and select Manage Your Claim to get registered. All you need to complete the process is some initial information, which may include your claim number, email address, and/or your State Farm policy or account number. It only takes a few minutes. If you are already registered, thank you!

Sincerely,

Rochelle Brown
Claim Associate
(877) 787-8276 Ext. 2059444908

State Farm Mutual Automobile Insurance Company

From: HOME CLMS-STATEFARMCLAIMS statefarmclaims@statefarm.com
Subject: 28-02D2-38F
Date: July 21, 2020 at 10:57 AM
To: johnekern@gmail.com

HC



statefarm.com[®]

Please open the attachment(s) for more claim information or next steps.

For your protection, please do not include sensitive personal information such as Social Security Number, credit/debit card number (financial account number), driver's license number, or health/medical information in an email. If you must send this type of information to State Farm, please contact your claim associate to request a secure email channel.

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Text HOME to 62789 for your claim contact card or [download](#) it from your mobile device.

Rochelle Brown, AINS

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July 21, 2020

John Kern
5805 Cozumel Pl

Subrogation Services
PO Box 106172