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NOTICE OF SUSPENSION

Case No. 15-44-GA

Notice Issued: December 23, 2015

David K. Wenger, II, P 23078, Grosse Pointe Park, Michigan, by the Attorney Discipline Board Tri-County Hearing Panel #25.

1. Suspension - 2 ½ Years
2. Effective February 22, 2016¹

Respondent appeared at the hearing and filed an answer to the formal complaint. The hearing panel found that respondent had committed professional misconduct when he held funds other than client or third person funds in an IOLTA, in violation of MRPC 1.15(a)(3); failed to hold property of clients or third persons in connection with a representation separate from his own property, in violation of MRPC 1.15(d); deposited his own funds into an IOLTA in an amount more than reasonably necessary to pay financial institution charges or fees, in violation of MRPC 1.15(f); failed to deposit legal fees and/or expenses paid in advance into a client trust account and to withdraw the fees and/or expenses only when earned or when the expenses were incurred, in violation of MRPC 1.15(g); and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b). The panel also found that respondent violated MRPC 8.4(a) and MCR 9.104(2)-(4).

The hearing panel ordered that respondent's license to practice law be suspended for two and a half years, effective February 22, 2016, to run consecutive to the 180-day suspension ordered in *Grievance Administrator v David K. Wenger, II*, Case No. 14-79-GA; 15-21-GA. Respondent filed a petition for review and a motion for stay of costs. The Board granted the stay but dismissed respondent's petition for review when he failed to file the necessary brief in support of his petition. Total costs were assessed in the amount of \$1,863.98.



Mark A. Armitage

DEC 23 2015
Dated: _____

¹ Respondent has been continuously suspended from the practice of law in Michigan since August 26, 2015. Please see Notice of Suspension and Restitution issued August 26, 2015.