

NOTICE OF SUSPENSION AND RESTITUTION

Case No. 04-135-GA

Notice Issued: May 3, 2005

Scott D. Sitner, P 46068, Bloomfield Hills, Michigan, by the Attorney Discipline Board
Tri-County Hearing Panel #55.

1. Suspension - 179 Days
2. Effective April 30, 2005

Respondent failed to file an answer to the formal complaint and failed to appear at the hearing. Based on his default, the panel found that respondent placed a \$90,000.00 loan from his client to a third party and that respondent's receipt of \$2,500.00 from the third party for the placement of the loan was an interest adverse to his client's interests. Respondent also failed to obtain his client's consent to the loan; failed to investigate the viability of a security interest in the third party's residential real estate before closing on the loan; falsely told his client that the mortgage had been recorded with the county register of deeds shortly after closing; and falsely told his client in June 1999 that a lawsuit had been filed against the third party when it wasn't filed until October 1999. Additionally, respondent failed to examine the county register of deeds which would have disclosed that the residence had two existing security interests totaling \$169,700.00; failed to investigate the fair market value of the resident; and failed to obtain title insurance for the transaction.

Respondent's misconduct was in violation of MCR 9.104(A)(1)-(4); and Michigan Rules of Professional Conduct 1.1(c); 1.7(b); 1.8(a) and (f); and 8.4(a)-(c). The panel ordered that respondent be suspended for 179 days and pay restitution in the amount of \$17,500.00. Costs were assessed in the amount of \$2,051.56.