

FINAL NOTICE OF REVOCATION AND RESTITUTION

Case No. 02-62-GA

Notice Issued: December 2, 2002

Gary E. Abeska, P-45097, Walled Lake, Michigan, by the Attorney Discipline Board Tri-County Hearing Panel #71.

1. Revocation;
2. Effective October 5, 2002.

The hearing panel found, by default, that respondent neglected a client's matter; failed to timely return a client's file; made misrepresentations to a client regarding the status of their matter; made false statements in his answer to a request for investigation served by the Grievance Administrator; failed to return unearned fees in two matters; misappropriated client settlement funds in five matters; and failed to file answers to six other requests for investigation.

Respondent's conduct was found to be in violation of MCR 9.104(A)(1)-(4) and (7); MCR 9.113(A); MCR 9.113(B)(2); and Michigan Rules of Professional Conduct 1.1(a)-(c); 1.2(a); 1.3; 1.4(a) and (b); 1.5(a); 1.15(a) and (b); 1.16(d); 3.2; 8.1(a); and 8.4(a)-(c). The panel issued an order revoking respondent's license to practice in Michigan and ordered restitution in the aggregate amount of \$30,596.00.

Respondent filed a petition for review which was granted by the Attorney Discipline Board and the matter was scheduled for a review hearing in December. Respondent also filed a motion for stay of discipline which was denied by the Board on October 9, 2002. On November 8, 2002, the Board dismissed respondent's petition when he failed to file a review brief.