

**NOTICE OF SUSPENSION AND RESTITUTION**  
**(With Conditions)**

Case Nos. 97-225-GA; 97-251-FA;  
98-146-GA; 98-173-FA

Issued: March 3, 2000

Sanford M. Kesten, P-15923, Flint, Michigan, by Attorney Discipline Board Genesee County Hearing Panel #3.

- 1) Suspension - 1 Year
- 2) Effective March 1, 2000.

The formal complaint charged that from 1991 to 1995, respondent permitted an individual known by respondent, but not employed by him, to have free access to respondent's office, including unsupervised access to respondent's files, office machinery, office supplies and staff. The complaint further charged that this individual utilized respondent's office and equipment in furtherance of fraudulent schemes to the detriment of third parties. The panel concluded that although respondent was not knowingly involved and was not an actual participant in the fraudulent schemes, respondent's ongoing passive conduct and failure to react to the activities occurring at his office conferred respondent's tacit approval upon those activities and facilitated the fraudulent activity. The panel concluded that respondent's conduct was in violation of Michigan Rules of Professional Conduct 8.4(b).

The hearing panel ordered that respondent's license to practice law in the Michigan be suspended for one year with conditions relevant to the established misconduct. The panel also ordered respondent to pay restitution to 10 complainants in the aggregate amount of \$372,773.62. Costs were assessed in the amount of \$3,016.44.