

NOTICE OF REVOCATION AND RESTITUTION

Case Nos. 98-167-GA; 98-194-FA

Ronald C. Winiemko, P-22440, Clinton Township, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #107.

- 1) Revocation;
- 2) Effective November 24, 1998.

In 1987, respondent was appointed temporary personal representative of a decedent's estate, and was subsequently appointed co-personal representative. The panel found, by default, that respondent neglected the matter by failing to file timely inventories and accountings, failing to timely pay the successor special fiduciary court approved fees, failing to take reasonable and necessary steps to close the estate, and failing to cooperate in the transfer of the estate to the successor fiduciary; in 1988-1989, he commingled and misappropriated \$26,935 from the estate account, resulting in a 1998 probate court order surcharging him \$41,577, representing the principle plus interest of the misappropriated funds; from 1990 forward, he filed false accountings with the probate court; and he failed to answer the Request for Investigation and the Formal Complaints. Respondent did, however, appear at the disciplinary hearings.

The panel concluded that respondent's conduct violated MCR 9.103(C); MCR 9.104(1)-(4) and (7); MCR 9.113(A) and (B)(2); Michigan Rules of Professional Conduct 1.1(a)-(c); 1.3; 1.15(a)-(c); 3.2; 3.3(a)(1), (2) and (4); 8.1(b); and 8.4(a)-(c); and Canons 1, 6, 7 and 9 of the then-applicable Code of Professional Responsibility, DR 1-102(A)(1) and (4)-(6); DR 6-101(A)(1)-(3); DR 7-101(A)(1)-(3); and DR 9-102(A)(2) and (B)(4).

The panel ordered that respondent's license to practice law in Michigan be revoked effective November 24, 1998, the effective date of the panel's Interim Order of Suspension, and that he make restitution to the estate in the amount of \$41,577. Costs were assessed in the amount of \$491.16.