

NOTICE OF SUSPENSION
(Pending Appeal)

Case No. 97-235-GA

Jonathan E. Holt, P-28948, Fenton, Michigan, by Attorney Discipline Board
Livingston County Hearing Panel.

- 1) Suspension - 18 Months;
- 2) Effective January 8, 1999.

Respondent was retained to assist the complainant and his father in obtaining a construction management contract to build a gambling casino for the Bad River Band of Chippewa Indians in Wisconsin, and to draft two promissory notes on the complainant's behalf. The complainant provided respondent with \$45,000 to be paid as his father's membership enrollment fee in the Indian tribe to qualify him to bid on the construction management contract. The panel found that respondent failed to maintain the \$45,000 membership enrollment fee in a trust account; misappropriated approximately \$32,385 of the funds, claiming this amount as payment of outstanding attorney fees; failed to promptly return to the complainant the \$45,000 membership enrollment fee; failed to promptly notify the complainant that he was returning only \$12,615.95 to the complainant's father and retaining the balance of \$32,385 as attorney fees allegedly previously incurred by the complainant's father; and made numerous false statements to the complainant designed to obtain funds under false pretenses in order to satisfy the outstanding attorney fees owed by the complainant's father. Respondent's conduct was found to be in violation of MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 1.4; 1.15; and 8.4(a)-(c). The panel ordered that respondent be suspended from the practice of law for a period of 18 months. Costs were assessed in the amount of \$2,755.15.

Respondent filed a petition for review and a motion for stay of discipline. The motion for stay was denied, and the suspension is deemed to be effective January 8, 1999. Review proceedings are scheduled for March 1999.