

NOTICE OF REVOCATION AND RESTITUTION

Case Nos. 95-274-GA; 98-161-FA

Thomas M. Hibler, P-37953, Plymouth, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #13.

- 1) Revocation;
- 2) Effective September 9, 1998.

Respondent's license to practice law in Michigan was revoked effective February 18, 1994. The panel found, by default, that in June 1994, he held himself out as an attorney to the complainant and accepted representation of his interests in the sale of real property; prepared a purchase agreement under the name "Thomas M. Hibler P.C. Attorney;" prepared an addendum to the purchase agreement and in the addendum agreed to receive and hold in escrow monthly payments from the purchaser towards the purchase price of the property; and represented the complainant at closing and thereafter accepted escrow payments on his behalf.

Pursuant to the terms of the addendum to the purchase agreement, respondent received five checks totalling \$4,500 from the purchaser to be held in his trust account for later application against the purchase price. The panel found that respondent failed to maintain the funds in trust; misappropriated the funds; and has failed to repay the funds to the complainant or to respond to the his inquiries. Respondent also failed to answer the Request for Investigation, failed to answer the Formal Complaint, and failed to appear at the disciplinary hearing.

The panel concluded that respondent's conduct violated MCR 9.103(C); MCR 9.104(1)-(4), (7) and (9); MCR 9.113(A) and (B)(2); MCR 9.119(E); MCL 600.916; MSA 27A.916; and Michigan Rules of Professional Conduct 1.15(a)-(c); 5.5(a); 8.1(b); and 8.4(a)-(c).

The panel ordered that respondent's license to practice law be revoked for the second time, and that he make restitution to the complainant in the sum of \$4,500. Costs were assessed in the amount of \$280.49.

