

NOTICE OF REVOCATION AND RESTITUTION

Case Nos. 96-95-GA; 96-113-FA; 96-105-GA; 96-118-FA

Stephen J. Chovanec, P-42146, Kalamazoo, Michigan, by
Attorney Discipline Board Kalamazoo County Hearing Panel #2.

- 1) Revocation;
- 2) Effective November 12, 1996.

Respondent was suspended from the practice of law for non-payment of his annual dues to the State Bar of Michigan from February 9 to August 17, 1995. The panel found, by default, that respondent continued to practice law while suspended; failed to answer the Request for Investigation; and failed to answer the Formal Complaints.

In a separate matter: In 1990, a client executed a durable power of attorney granting respondent control over her assets. In July 1994, a petition was filed seeking appointment of a guardian ad litem and/or for a protective order based upon allegations that respondent had been engaged in self-dealing regarding her assets. She signed a rescission of the durable power of attorney, and a guardian ad litem and temporary conservator were appointed. In October 1994, the client died and a decedent's estate was opened. The panel found, by default, that respondent failed to render an accounting of her assets to the appointed fiduciaries upon request; received personal property from her home which he failed to release to the fiduciaries; procured three improper loans from her, totaling \$8,575; failed to provide security or repay the loans; failed to account for \$5,350 in receivables and misappropriated the funds; failed to cooperate in the Attorney Grievance Commission's investigation; and failed to answer the Formal Complaints. Respondent also failed to appear at the disciplinary hearing.

Respondent's conduct was found to be in violation of MCR 9.103(C); MCR 9.104(1)-(4)and(7); MCR 9.113(A)and(B)(2); MCR 9.119(D),(E)and(F); MCL 600.916, MSA 27A.916; and Michigan Rules of Professional Conduct 1.8(a); 1.15(a)-(c); 3.4(c); 5.5(a); 8.1(b); and 8.4(a)-(c).

The panel ordered that respondent's license to practice law be revoked and that he make restitution to the estate in the amount of \$13,925 plus interest. Costs were assessed in the amount of \$566.11.

NOTE: Respondent has been continuously suspended from the practice of law in Michigan since January 29, 1996.