

NOTICE OF REVOCATION AND RESTITUTION

Case No. 95-207-GA

Richard H. Puzzuoli, P-41162, Grosse Pointe Farms, Michigan,
by Attorney Discipline Board Tri-County Hearing Panel #32.

- 1) Revocation;
- 2) Effective January 4, 1996.

Respondent was retained to represent a dentist in the purchase of a dental practice. Respondent later received a draft from his client in the amount of \$25,000 made payable to him as escrow agent. The panel found, by a preponderance of the evidence, that respondent commingled and misappropriated the funds.

Respondent represented the same client in a real estate investment. He also represented the other two interested parties. The panel found that respondent failed to fully disclose the conflicts of the multiple representation; failed to secure each client's informed consent to the multiple representation; the representation was materially limited by respondent's own financial interest in the property; and he failed to provide his clients with a reasonable opportunity to seek the advice of independent counsel. Respondent received \$75,000 from his dentist/client as his portion of the investment. The panel found that respondent misappropriated the funds.

Respondent drafted and filed a quit claim deed in which one party quit claimed his interest in the property to a family member. Respondent later drafted a quit claim deed in which that party purportedly transferred his interest in the property to all three parties as tenants in common. The panel found that respondent failed to disclose that one party had already transferred his interest in the property. Respondent later drafted and prepared a quit claim deed in which two of the parties, as tenants in common, purportedly transferred their interests in the property all three parties as tenants in common. The panel found that respondent failed to have the purported quit claim deed properly witnessed, properly notarized, or filed with the Register of Deeds; and failed to keep his clients reasonably informed. The panel also found that respondent knowingly made false statements in his answer to the Request for Investigation.

Respondent later filed an appearance on behalf of two of the parties in an action in which a \$24,000 judgment had been entered against the property. Respondent later received a draft in the amount of \$10,000 made payable to the plaintiff representing one

client's contribution to the judgment. The panel found that respondent affixed the plaintiff's signature to the check and negotiated it without the plaintiff's knowledge or consent; failed to advise his client or the plaintiff of his negotiation of the draft; and misappropriated the funds.

In a separate matter, respondent was retained to represent a woman in a landlord/tenant action. He later withdrew from the case and his client requested the return of her file. In a later court action, an order was entered requiring respondent to immediately provide all files in his possession pertaining to the client. The panel found that respondent failed to promptly release the file to the client and unlawfully obstructed her access to evidence.

Respondent's conduct was found to be in violation of MCR 9.103(C); MCR 9.104(1)-(4),(6)and(7); MCR 9.113(A); and Michigan Rules of Professional Conduct 1.1(c); 1.3; 1.4; 1.7(b)(1)and(2); 1.8(a)(1)-(3); 1.15(a)-(c); 1.16(d); 3.2; 3.3(a)(4); 3.4(a),(b)and (d); 8.1(a)and(b); and 8.4(a)-(c).

Respondent failed to appear at both disciplinary hearings, although he filed an answer to the Formal Complaint. The panel ordered that respondent's license to practice law in Michigan be revoked effective January 4, 1996, the date of the final hearing. The panel further ordered that respondent make restitution to one client in the amount of \$10,000 plus interest. Costs were assessed in the amount of \$2,171.36.