

## NOTICE OF INCREASED SUSPENSION WITH CONDITIONS

Case No. 93-70-GA

Kempf Hogan, P-15052, Birmingham, Michigan, by the Attorney Discipline Board increasing Tri-County Hearing Panel #62's Order of Suspension With Conditions.

- 1) Suspension - Three (3) Years;
- 2) Effective January 1, 1996.

Respondent's mother executed a power of attorney granting him authority act to on her behalf in financial matters. The panel found that respondent misappropriated \$963,000 from his mother's cash management account over a five-year period. After his mother died, respondent filed a petition for commencement of proceedings and was appointed personal representative of the estate. The panel found that he misappropriated \$17,500 from a bank account, an estate asset; depleted the funds remaining in the cash management account, approximately \$375,000, by transferring them to his personal account, commingling estate funds with his own; knowingly made false statements to his brother, the only other heir, regarding the bank account and the value of the estate; failed to file timely inventories, accountings and tax returns on the estate's behalf; failed to keep his brother informed concerning the status of the estate; and failed to comply with three orders of the probate court. Respondent's conduct was found to be in violation of MCR 9.104(1)-(4); Canons 1 and 9 of the Code of Professional Responsibility, DR 1-102(A)(1), (3)-(6) and DR 9-102(A); and Michigan Rules of Professional Conduct 1.1(c); 1.3; 1.4; 1.15; 3.2; 3.4(c); 3.5(c); 4.1; and 8.4(a)-(c). The panel ordered that respondent be suspended from the practice of law for two years, subject to conditions including recertification and restitution.

The Grievance Administrator filed a petition for review. On April 23, 1996, the Attorney Discipline Board entered an order increasing the suspension to three years and affirming the conditions imposed by the panel. The Grievance Administrator filed an application for leave to appeal, which was denied by the Michigan Supreme Court in an order entered April 1, 1997.

Costs were assessed in the amount of \$2,165.18.