

## NOTICE OF SUSPENSION

Case Nos. 95-132-GA; 95-151-FA

Martin B. Marcus, P-34234, Oak Park, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #70.

- 1) Suspension - one (1) year;
- 2) Effective December 26, 1995.

Respondent advertised a boat for sale in a trade magazine. The panel found, by default, that respondent knowingly and intentionally misrepresented the horsepower of the boat's engine and the condition of the boat in the advertisement and to the buyers; altered his insurance policy on the boat to reflect that it had a higher horsepower engine and showed it to the buyers; and assured the prospective buyers that they could trust him because he was a lawyer. When the buyers took possession of the boat, they discovered that it was not in working condition and had a lower horsepower engine than respondent advertised and told them. They stopped payment on their \$4,500 check to respondent which represented the balance of the \$5,000 purchase price for the boat. Respondent then brought an action against the buyers in Oakland County Circuit Court to enforce the sale and/or to obtain the return of the boat. The panel found, by default, respondent attached to his complaint, and filed in the court, an affidavit containing a false notarization; and forged, or caused to be forged, the signature of the individual named on the affidavit as the notary of the document. Respondent also failed to answer two Requests for Investigation, failed to answer two Formal Complaints, and 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); MCR 9.113(A)and(B)(2); and Michigan Rules of Professional Conduct 3.3(a)(1)and(4); 3.4(b)and(c); 8.1(b) and 8.4(a)-(c). Costs will be assessed at a later date.