

NOTICE OF SUSPENSION AND RESTITUTION
(By Consent)

Case Nos. 95-71-GA; 95-103-FA

Marlene M. Briolat, P-35966, Grosse Ile, Michigan, by Attorney
Discipline Board Tri-County Hearing Panel #33.

- 1) Suspension - 180 days;
- 2) Effective November 28, 1995.

Respondent approached a financial institution seeking to obtain a personal loan in the amount of \$70,000. She completed a loan application in which she represented that she would use the equity in a home she owned as collateral for the loan. That property had an appraised value of \$170,000. At the time of the loan transaction, respondent was the owner of a title company and indicated that she would handle the closing and would provide title insurance on the property to the financial institution. The financial institution subsequently loaned respondent \$70,000 and obtained a mortgage on the property in question.

Respondent pled no contest to allegations that she misrepresented that she was the owner of the property in question; failed to fully and fairly disclose her financial circumstances, including her inability to repay the loan; failed to prepare, execute and deliver proper and lawful loan documentation and prepared a fraudulent title commitment indicating that she was the owner of the property in question; and failed to repay the loan and/or to honor the mortgage. Respondent's conduct was alleged to be in violation of MCR 9.104(1)-(4) and Michigan Rules of Professional Conduct 8.4(a)-(c).

The parties stipulated that respondent be suspended from the practice of law in Michigan for 180 days and make restitution to the financial institution in the amount of \$70,000. Costs were assessed in the amount of \$71.29.