

NOTICE OF REVOCATION AND RESTITUTION

Case Nos. 95-120-GA; 95-147-FA

Donald B. Rogers, P-19566, Flint, Michigan, by Attorney
Discipline Board Genesee County Hearing Panel #4.

- 1) Revocation;
- 2) Effective September 12, 1995.

Respondent was the de facto independent personal representative of a decedent's estate. He came into possession of a minimum of \$189,960 on the estate's behalf. The panel found, by default and respondent's plea of no contest, that respondent deposited the estate funds in his personal account; failed to maintain the funds as a fiduciary; failed to act honestly and forthrightly in connection with the funds; failed to account for the funds; failed to maintain the funds in a trust account; failed to pay and deliver to the estate or its sole heir the funds to which they were entitled; and misappropriated the funds.

Respondent's conduct was found to be in violation of MCR 9.104(1)-(4) and Michigan Rules of Professional Conduct 1.15(a)and(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 \$139,960 (\$189,960 charged in the Amended Formal Complaint, less the \$50,000 payment acknowledged by the complainant), plus interest. Costs were assessed in the amount of \$535.73.