

NOTICE OF REVOCATION AND RESTITUTION

Case Nos. 94-212-GA; 94-225-FA

Dennis W. Koltunchik, P-36255, Plymouth, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #20.

- 1) Revocation;
- 2) Effective April 14, 1995.

Respondent failed to answer the Formal Complaints and failed to appear at the hearing held in Detroit on February 2, 1995. Respondent's defaults were entered, and the panel determined that the defaults established the allegations of the Formal Complaints.

Respondent was retained to enforce a provision in a judgment of divorce requiring the sale of the marital residence should the mortgage become delinquent, and requested and received a \$700 retainer fee. He filed a motion for appointment of receiver to facilitate the sale and disbursement of the proceeds. Subsequent to filing the motion, the client settled the dispute directly with his ex-wife. As part of the settlement, the ex-wife agreed to pay the client his attorney fees pertaining to the motion. Based on the settlement, the client requested an accounting from respondent as well as the return of the unused portion of the attorney fee.

Respondent failed to provide his client with an accounting of the \$700 retainer fee; failed to refund the unearned fees; failed to respond to his client's inquiries; and failed to timely answer the Request for Investigation.

Respondent's conduct was found to be in violation of MCR 9.104(1)-(4)and(7); MCR 9.113(A)and(B)(2); and Michigan Rules of Professional Conduct 1.4; 1.5(a); 1.15(b); 1.16(d); 8.1(b); and 8.4(a)-(c).

The panel ordered that respondent's license to practice law in Michigan be revoked and that he make restitution to the complainant in the amount of \$700. The panel further ordered that respondent would not be eligible to file a petition for reinstatement until five years have elapsed from the date of restitution. Costs were assessed in the amount of \$240.65.

NOTE: Respondent has been suspended from the practice of law in Michigan continuously since July 1, 1993. His license was previously revoked effective January 18, 1995, in Case No. 94-59-GA.