

NOTICE OF SUSPENSION AND RESTITUTION

Case No. 93-89-GA

Peter B. Spivak, P-20852, Birmingham, Michigan, by the Attorney Discipline Board affirming hearing panel orders of suspension and restitution.

- 1) Suspension - three (3) years;
- 2) Effective February 15, 1995.

Respondent agreed to act as an escrow agent pursuant to a business transaction between the complainant and respondent's client. Pursuant to the escrow agreement, the complainant wire-transferred the sum of \$20,000, less \$6 in transfer fees, to be held in escrow in respondent's client trust account. The sum of \$19,994 was deposited into respondent's client trust account.

The panel found, by a preponderance of the evidence, that respondent failed to maintain the funds in escrow and misappropriated the funds; and failed to make prompt, full restitution to the complainant, although he made partial restitution of \$5,000.

Respondent's conduct was found to be in violation of MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 1.15(a)-(c); 4.3; and 8.4(a)-(c).

On January 24, 1995, the panel entered an order suspending respondent from the practice of law in Michigan for a period of three years. Following a motion for reconsideration by the Grievance Administrator, the panel ordered respondent to make restitution to the complainant in the amount of \$14,994.

Respondent filed a petition for review and request for stay of discipline. The request for stay was denied by the Board, and the suspension was deemed to be effective February 15, 1995. In an order entered May 10, 1995, the Attorney Discipline Board affirmed the panel orders of suspension and restitution.

Costs were assessed in the total amount of \$1,840.64.