

NOTICE OF REVOCATION AND RESTITUTION

Case Nos. 93-40-GA; 93-63-FA

Michael E. Tate, P-39340, Detroit, Michigan, by Attorney
Discipline Board Tri-County Hearing Panel #10.

- 1) Revocation;
- 2) Effective April 7, 1994.

Respondent failed to answer the formal complaints, appeared at the hearing held in Detroit on July 19, 1993, and failed to appear at the hearing held on February 15, 1994. Respondent's default was entered, and the panel determined that the default established the allegations of the formal complaint.

Respondent represented an elderly couple in the sale of their home, from which net profits in excess of \$17,000 were received. Subsequently, at respondent's direction, the wife placed respondent's name on her bank account giving him signatory authority on the account. Respondent caused her to withdraw \$20,000 from that account. At respondent's direction, an account in the name of the wife and respondent was opened with a securities institution in the amount of \$9,500.

Respondent falsely held himself out to his client as the vice president of a financial services institution; procured \$10,000 from his client which he represented would be invested in a trust fund of that financial services institution; provided his client with a promissory note for the funds under the guise that this was part of the investment transaction; failed to invest the funds with the financial services institution; misappropriated the entire sum entrusted to him; and has not repaid the \$10,000 to his client.

Respondent further, without his client's knowledge or consent, negotiated a check made payable to himself in the amount of \$2,500, against the joint bank account he held with his client; and caused to be negotiated two checks, one made payable to himself in the sum of \$2,600 and the other made payable to "cash" in the sum of \$3,400, that he had written against an account he had at another bank. At the time he presented those checks for negotiation, he knew or should have known that there were insufficient funds available in his account to cover the checks and, as a result, that the bank would debit the joint account he held with his client to cover the instruments.

Respondent further, without his client's knowledge or consent, attempted to withdraw funds from his client's account at the securities institution; forged his client's signature on the securities institution's form; and proffered the form containing

the forged signature to the securities institution and, again, attempted to withdraw funds from the account. Respondent also failed to answer the request for investigation.

Respondent's conduct was found to be in violation of MCR 9.103(C); MCR 9.104(1)-(4)and(7); MCR 9.113(A)and(B)(2); and Michigan Rules of Professional Conduct 1.15(a)and(b); 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 his client in the amount of \$10,000 plus interest. Costs were assessed in the amount of \$386.37.