

NOTICE OF REVOCATION
(By Consent)

Case Nos. 91-267-GA; 92-10-FA; 92-139-GA

David A. Nelson, P-18227, Ortonville, Michigan, by Attorney Discipline Board Saginaw County Hearing Panel.

- 1) Revocation;
- 2) Effective January 1, 1992 (retroactive).

The respondent and the Grievance Administrator filed a stipulation for consent order of discipline pursuant to MCR 9.115(F)(5), which was approved by the hearing panel and the Attorney Grievance Commission.

Respondent was retained to probate an estate, and filed a Petition for Commencement of Proceedings for the estate. Respondent pled nolo contendere to charges that he failed to file, or to assist the Personal Representative in filing, an inventory on behalf of the estate; failed to pay, or to assist the Personal Representative in paying, the inheritance taxes, causing penalties and interest to accrue; misappropriated \$7,100 from the estate; failed, neglected, and/or refused to comply with a court order directing him to repay the misappropriated funds; failed, neglected, and/or refused to comply with a court order directing him to turn over to the Special Fiduciary trust monies due the estate; and, failed to answer Formal Complaint 91-267-GA.

Respondent was retained to act as the closing agent on behalf of a real estate company, and received a draft in the amount of \$50,500 as escrow agent for the purpose of disbursing the funds pursuant to the sales agreement. As escrow agent, respondent was required to disburse \$34,327.54 to a bank to satisfy the sellers' outstanding mortgage. Respondent pled nolo contendere to charges that he failed to deposit the funds into a trust account; failed to notify the sellers of his receipt of the funds; failed to notify the bank of his receipt of the funds; failed to promptly deliver to the bank the \$34,327.54 to satisfy the mortgage of the sellers; failed to respond to the inquiries of the sellers concerning the status of the proceeds; misappropriated the proceeds; knowingly made false statements to the sellers and their attorney regarding the payment of the mortgage; failed to timely answer the request for investigation; and, knowingly made a false statement in his answer to the request for investigation.

Respondent also failed to answer an unrelated request for investigation.

Respondent's conduct was alleged to be in violation of MCR

9.104(1)-(4),(6)and(7); MCR 9.113(A); MCR 9.113(B)(2); Canons 1, 6, 7 and 9 of the then-applicable Code of Professional Responsibility, DR 1-102(A)(1),(3)-(6); DR 6-101(A)(3); DR 7-101(A)(1)-(3); and DR 9-102(B); and the Michigan Rules of Professional Conduct, 1.15; 3.4(c); 4.1; 8.1(b); and 8.4(a)-(c).

Costs were assessed in the amount of \$303.56.

NOTE: Respondent's license to practice law in Michigan has been continuously suspended since October 31, 1990.