

NOTICE OF REVOCATION AND RESTITUTION

Case Nos. 91-157-GA; 91-167-FA

R. Michael Tovey, P32189, Grand Rapids, Michigan, by Attorney Discipline Board Kent County Hearing Panel #1.

- 1) Revocation;
- 2) Effective December 24, 1991.

Respondent failed to answer the formal complaints and failed to appear at the hearing held in Grand Rapids on October 2, 1991. Respondent's defaults were entered and the panel determined that the defaults established the allegations of the formal complaints.

Respondent was retained in connection with a real estate transaction and agreed to accept land contract payments on his client's behalf, but failed to deposit the funds into a client trust account; failed to pay his client the funds to which he was entitled; misappropriated the funds; made false statements to his client to conceal the misappropriation; and failed to answer the request for investigation.

Respondent's conduct was found to be in violation of MCR 9.104 (1-7); MCR 9.113(A); MCR 9.113(B)(2); Canons 1 and 9 of the then-applicable Code of Professional Responsibility, DR 1-102(A)(1,3-6); DR 9-102(A,B); and the Michigan Rules of Professional Conduct, 1.4; 8.1(b); 8.4(a-c). The panel ordered respondent to make restitution to his client in the amount of \$975.00. Costs were assessed in the amount of \$197.59.