

NOTICE OF SUSPENSION
(By Consent)

Case No. 90-164-GA

David B. Weiss, P22142, Farmington Hills, Michigan, by
Attorney Discipline Board Tri-County Hearing Panel #65.

- 1) Suspension - three (3) years and one (1) day;
- 2) Effective November 26, 1991.

The respondent and the Grievance Administrator filed a stipulation for consent order of discipline which was approved by the hearing panel and the Attorney Grievance Commission. Respondent offered his plea of nolo contendere to the allegations contained in the formal complaint. Respondent was appointed trustee of an irrevocable trust totaling \$71,500 and opened a trust account, but drew checks made payable to himself in the total of \$24,500 from the account without the knowledge or consent of the trust beneficiaries and misappropriated the funds; failed to pay promptly to the beneficiaries the funds to which they were entitled; failed to provide accountings concerning receipts, disbursements and assets of the trust; and failed to respond to the inquiries of the beneficiaries or their counsel concerning the matter. Respondent's conduct was alleged to be in violation of MCR 9.104(1-4); Canons 1, 6 and 9 of the then-applicable Code of Professional Responsibility, DR 1-102(A)(1,3-6); DR 6-101(A)(3); DR 9-102(A); DR 9-102(B)(4); and the Michigan Rules of Professional Conduct, 1.1(c); 1.3; 1.4; 1.15; 8.4(a-c). Costs were assessed in the amount of \$186.05.