

NOTICE OF PROBATION

ADB 229-87; 2-88; 216-88

Dennis W. Koltunchik, P36255, Westland, Michigan, by Attorney Discipline Board Wayne County Hearing Panel #3.

- 1) Probation - two (2) years;
- 2) Effective March 1, 1991.

The hearing panel found that the charges of misconduct in Formal Complaints 229-87 and 216-88 were proven by a preponderance of the evidence. Formal Complaint 2-88 was withdrawn. Respondent was retained to represent an individual on a criminal felony charge, but failed to appear for a pretrial conference, failed to appear at the trial, failed to communicate with his client, and failed to refund the unearned portion of the retainer fee. In a separate matter, respondent was retained to draft documents in connection with the sale of a restaurant and as escrow agent accepted a deposit in the amount of \$2,500, but withdrew the funds from his client trust account misappropriating that amount to his own use; he subsequently wrote a check to his client in the amount of \$2,000 which was dishonored for non-sufficient funds when first presented to the bank. Respondent's conduct was found to be in violation of MCR 9.104(1-4) and Canons 1, 2, 6, 7 and 9 of the Code of Professional Responsibility, DR 1-102(A)(1,3-6); DR 2-110(A)(3); DR 6-101(A)(3); DR 7-101(A)(1-3); and DR 9-102(B)(4).

The panel ruled that the respondent established his eligibility for probation in accordance with the provisions of MCR 9.121(C). Costs were assessed in the amount of \$793.73.