

NOTICE OF REPRIMAND AND RESTITUTION

Case No. 90-2-GA

Joseph R. Daiek, P-30251, Rochester, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #58.

- 1) Reprimand;
- 2) Effective December 1, 1990.

The hearing panel concluded that misconduct as alleged in Count I of the formal complaint was established by a preponderance of the evidence; Count II was dismissed.

Respondent was retained in connection with a land contract foreclosure/forfeiture matter, but failed to serve a forfeiture notice upon the land contract vendees. He instituted suit for foreclosure on the land contract and filed a motion for summary disposition which was granted, but failed to enter an order ordering foreclosure of the property.

Respondent's conduct was found to be in violation of MCR 9.104(1-4) and Canons 1, 6 and 7 of the Code of Professional Responsibility, DR 1-102(A)(5,6); DR 6-101(A)(1-3); DR 7-101(A)(1-3). The hearing panel ordered the respondent to make restitution to his client of all her attorney fees. Costs were assessed in the amount of \$732.61.