

NOTICE OF REPRIMAND AND RESTITUTION

Case Nos. 90-48-GA; 90-65-FA

Mark Q. Witkowski, P-33021, Battle Creek, Michigan, by
Attorney Discipline Board Berrien County Hearing Panel.

- 1) Reprimand;
- 2) Effective September 18, 1990.

The respondent offered his plea of nolo contendere before the hearing panel to the allegations in Formal Complaint 90-48-GA. Formal Complaint 90-65-FA was dismissed by the panel on a motion by counsel for the Grievance Administrator.

Respondent represented an estate in the Calhoun County Probate Court, but failed to timely file a petition and order for continuing pendency, failed to appear for two scheduled hearings, failed to pay the inheritance tax on a timely basis, failed to promptly close the estate, and failed to turn over the probate file to the fiduciary of the estate. Respondent also paid a late mediation fee in the Calhoun County Circuit Court with a check which was dishonored for insufficient funds.

Respondent's conduct was found to be in violation of MCR 9.104(1-4); Canons 1, 6 and 7 of the Code of Professional Responsibility, DR 1-102(A)(1,5,6); DR 6-101(A)(3); DR 7-101(A)(1-3); and the Michigan Rule of Professional Conduct, 1.1; 1.3; 1.4(a)(b); 8.4(a-c). The panel ordered the respondent to make restitution to the estate in the amount of \$100.00. Costs were assessed in the amount of \$346.18.