

NOTICE OF SUSPENSION  
(By Consent)

ADB 22-89

David E. Fregolle, P-37832, Southfield, Michigan, by Attorney Discipline Board Oakland County Hearing Panel #9.

- 1) Suspension - 121 days;
- 2) Effective April 2, 1990\*.

The respondent and the Grievance Administrator entered into a stipulation for consent order of discipline in accordance with MCR 9.115(F)(5). The stipulation was approved by the Attorney Grievance Commission and a hearing panel.

The hearing panel had previously found misconduct as follows. The respondent was retained in connection with a personal injury matter but commingled and misappropriated his client's share of the settlement, charged his client a contingent fee in excess of the amount prescribed by MCR 8.121, failed to advise his client of the requirements of that court rule, borrowed \$4800.00 from the client at a usurious rate of interest and failed to advise his client that the borrowed money had already been used by the him without the client's prior knowledge or consent.

Respondent's conduct was found to be in violation of MCR 9.104(1-4); MCR 8.121; and Canons 1, 2 and 9 of the Code of Professional Responsibility, DR 1-102(A)(1,4-6); DR 2-106(A); DR 9-102(A); and DR 9-102(B)(4).

The panel originally ordered that the respondent's license be suspended for thirty days. The Grievance Administrator filed a petition for review, as did the respondent. Before the review hearing was to be held, the parties entered into a stipulation for remand to the hearing panel to consider the stipulation for consent order of discipline. Costs were assessed in the amount of \$795.56.