

## NOTICE OF SUSPENSION AND RESTITUTION

ADB 121-89; 142-89

R. Michael Tovey, P-32189, Grand Rapids, Michigan, by Attorney Discipline Board Kent County Hearing Panel #1.

- 1) Suspension - two years;
- 2) Effective February 7, 1990.

The respondent failed to answer the formal complaints and failed to appear at the hearing held in Grand Rapids on October 11, 1989. Respondent's defaults were entered and the hearing panel determined that the defaults established the allegation of the formal complaints.

Respondent was retained to prosecute a personal injury action, but failed to pay his client her share of the amount recovered (\$13,605.84), misappropriated the funds, and affixed the purported signature of his client on the drafts without her prior knowledge or consent.

Respondent's conduct was found to be in violation of MCR 9.104(1-5,7); and Canons 1 and 9 of the Code of Professional Responsibility, DR 1-102(A)(1,3-6); DR 9-102(A); and DR 9-102(B)(4). The hearing panel order the respondent to make restitution to his client in the amount of \$13,605.84. Costs were assessed in the amount of \$298.81.