

NOTICE OF SUSPENSION AND RESTITUTION

ADB 15-89; 30-89; 36-89; 45-89

Michael J. Odette, P-26225, Pleasant Ridge, Michigan, by
Attorney Discipline Board Oakland County Hearing Panel #16.

- 1) Suspension - one year;
- 2) Effective August 5, 1989.

The respondent failed to answer the formal complaints, but appeared at the hearings held in Southfield on April 7, 1989 and in Detroit on May 23, 1989. Respondent's motion to set aside defaults was denied, and the hearing panel determined that the defaults established the allegations of the formal complaints. Respondent was retained in connection with a condemnation matter, but failed to maintain a balance of \$3466.88 in his client trust account on behalf of his client and misappropriated those funds. The hearing panel order the respondent to make restitution in the amount of \$3466.88. In a separate matter, the respondent was retained by the seller in a land contract matter but failed to remit the original deed to the buyer, failed to respond to the buyer's inquiries, and failed to answer the request for investigation. Respondent's conduct was found to be in violation of MCR 9.104(1-4,7); MCR 9.103(C); MCR 9.113(B)(2); and Canons 1, 6 and 9 of the Code of Professional Responsibility, DR 1-102(A)(4-6); DR 6-101(A)(3); DR 9-102(A) and DR 9-102(B)(3,4). Costs were assessed in the amount of \$460.27.

The respondent has filed a petition for review and a request for stay of discipline. In an order dated September 26, 1989, the Board denied the respondent's request for stay, and the suspension is deemed effective August 5, 1989.

In an order dated November 7, 1989, the Attorney Discipline Board dismissed the respondent's petition for review for his failure to comply with the terms of an order to Show Cause directing the respondent to appear before the Board on November 1, 1989 and for his failure to file a supporting brief on or before September 28, 1989.