

## AMENDED NOTICE OF SUSPENSION

ADB 190-88; 212-88

Kevin J. Henze, P-34801, Saginaw, MI by the Attorney Discipline Board increasing a Hearing Panel Order of Suspension for ninety days.

- 1) Suspension - 120 days;
- 2) Effective May 27, 1989.

The respondent failed to timely answer the Formal Complaints, but appeared at the hearing held in Bay City on November 3, 1988. Respondent's default was entered and the hearing panel determined that the default established the allegations of the Formal Complaints. Respondent received a check in the amount of \$150.00 on behalf of a client. The check was deposited in the respondent's general account. The funds were not forwarded to the client in a timely fashion. The hearing panel reviewed the bank records offered into evidence and concluded that the depletion of respondent's account constituted a misappropriation of funds. The panel further concluded that the respondent's written statements to the Attorney Grievance Commission that the funds in question had been into a trust account were not true. Respondent's conduct was found to be in violation of MCR 9.104(1-4,6,7); MCR 9.113(A); and Canons 1 and 9 of the Code of Professional Responsibility, DR I-102(A)(1, 3-6); DR 9-102(A) and MCR 9.102(B)(4).

Following consideration of the Petition for Review filed by the Grievance Administrator, the Board ordered that respondent be suspended for 120 days and until such time as he has demonstrated his fitness to practice law in accordance with the reinstatement procedures set forth in MCR 9.123(B) and MCR 9.124. Costs were assessed in the amount of \$309.05.