

NOTICE OF SUSPENSION

ADB 248-88; 257-88

Bruce L. Galloway, P-23205, Flint, Michigan, by Attorney
Discipline Board Genesee County Hearing Panel #4.

- 1) Suspension - thirty (30) months;
- 2) Effective May 2, 1989.

The respondent failed to timely answer the Formal Complaints and failed to appear at the hearing held in Flint on January 4, 1989. A second hearing was held in Flint on February 24, 1989 to consider Respondent's Motion to Set Aside Default; the motion was denied. Respondent's default was entered and the hearing panel determined that the default established the allegations of the Formal Complaint. Respondent represented a client in the sale of a residence. At the closing, Respondent assured the buyer that outstanding amounts due for insurance, back taxes and recording fees would be paid. Respondent's client gave him a money order to be used to satisfy those obligations. After deducting Respondent's fees and costs, the balance to be used to pay the obligations was \$2358.61. Respondent endorsed and negotiated the money order and obtained cash, deposited the sum of \$1632.61 into his personal account, commingled the money with his own, failed to pay the outstanding obligations, and misappropriated the funds. Respondent also made false statements in his answer to the Request for Investigation. Restitution to the complainant in the amount of \$2358.61 plus interest is a pre-condition to Respondent's eligibility for reinstatement. Respondent's conduct was found to be in violation of MCR 9.104(1-4,6); MCR 9.113(A) 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). Costs were assessed in the amount of \$380.82.