

NOTICE OF SUSPENSION
(By Consent)

ADB 23-88

Steven J. Lupiloff, P-16862, Farmington Hills, Michigan by
Attorney Discipline Board Oakland County Hearing Panel 1124
vacating their previous Order of Suspension for 120 days.

- 1) Suspension - one year;
- 2) Effective October 6, 1988.

Based upon the evidence presented, the Hearing Panel concluded that Respondent inappropriately and knowingly endorsed the name of his client on a \$20,790.48 check intended for her use without her permission, that he commingled and misappropriated those funds, and that he made misrepresentations to his client regarding his receipt of those funds. Respondent's conduct was found to be in violation of MCR 9.104(1-5) and Canons 1 and 9 of the Code of Professional Responsibility, DR 1-102(A)(1,3-6) and DR 9-102(B)(4).

The Hearing Panel considered evidence regarding Respondent's impaired condition at the time of the misconduct. That impairment was considered as a mitigating factor together with his prompt restitution to his client. The Panel also considered Respondent's prior reprimands in 1984 and 1988 for misconduct involving client funds.

Separate Petitions for Review were filed by the Administrator and the Respondent seeking modification of the discipline imposed. An Order of Remand for consideration of a consent discipline was filed January 17, 1989 pursuant to a Stipulation to Return File to Hearing Panel and to Withdraw Pending Appeals. The Hearing Panel accepted the Stipulation for Consent Order of Discipline in an order dated January 26, 1989. Costs were assessed in the amount of \$1185.06.