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JOHN F. VAN BOLT
EXECUTIVE DIRECTOR &
GENERAL COUNSEL

SUITE 1260
333 W. FORT STREET
DETROIT, MICHIGAN 48226
Area Code 313 963-5553

NOTICE OF REVOCATION

Evan F. Miller, P 29930, 3690 Brookside Drive, Bloomfield Hills, MI 48013 by Attorney Discipline Board Oakland County Hearing Panel #16.

- (1) Revocation;
- (2) Effective June 13, 1986.

The Formal Complaint filed by the Grievance Administrator charged that the Respondent misappropriated the sum of \$731,937.30 which had been entrusted to him by a client to discharge State and Federal tax obligations of several nursing home facilities owned and operated by the client. The Respondent did not appear before the Hearing Panel and was found to be in default for his failure to file an answer in conformity with the Court rules. The Hearing Panel concluded that the default constituted an admission to the charges of misconduct and that those charges were further supported by the exhibits and testimony offered at the hearing.

The Hearing Panel found that from June 1983 through November 1984, the Respondent represented to his client that he had made arrangements with the Internal Revenue Service and with the State of Michigan for the payment of current and past due employee withholding taxes and that checks delivered to him, made payable to the Internal Revenue Service and to the State of Michigan, would be delivered to the proper agencies for crediting. Instead, those checks were falsely endorsed and were deposited into accounts maintained by the Respondent's law firm or, in the case of two checks, were diverted to a limited partnership managed by the Respondent's brother. During that period, the Respondent concealed his misappropriation by falsely assuring the client that the back taxes had been paid and by issuing checks to the Internal Revenue Service drawn on his client trust account which were returned for nonsufficient funds.

The Order of Revocation entered by the Hearing Panel requires that as a condition prior to any future reinstatement, the Respondent shall make restitution in the amount of \$122,901.35 representing the funds unrecovered by the client at the time of the hearing together with interest, attorney fees and expenses incurred by the client. Costs were assessed in the amount of \$219.74.



John F. VanBolt

Dated: JUN 13 1986