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Attorney Discipline Board



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NOTICE OF SUSPENSION

File No. DP 174/85

David F. Betz, P 10771, P. O. Box 417, Ludington, MI 49431
by Attorney Discipline Board Muskegon Hearing Panel.

- 1) Suspension - 2 years;
- 2) Effective August 29, 1986.

The Respondent failed to Answer a two (2) Count Complaint filed by the Grievance Administrator and the Hearing Panel ruled that the Default constituted an admission to the allegations in that Complaint. In addition, the Panel considered Respondent's admissions offered at the hearing together with exhibits offered into evidence. The Panel found that the Respondent received settlement funds on behalf of a client in November 1981 and made a partial distribution to the client in February 1982 but misappropriated the sum of \$6422.25 to his own use and failed to honor the client's repeated demands for those funds. The Panel also found that the Respondent failed to Answer the Request for Investigation filed by the client and served upon the Respondent in June 1985. Respondent's conduct was found to be in violation of MCR 9.104(1-4 & 7), Canons 1 and 9 of the Code of Professional Responsibility to wit: DR 1-102(A)(1,3, 4-6) and DR 9-102(B)(4).

The Panel found that the Respondent's use of client funds to discharge his personal obligations constituted an act of moral turpitude which was magnified by his prior disciplinary record of a Reprimand in 1979 and a 120 Suspension in 1982. The Panel ordered that Respondent's license be suspended for a period of two years and that he be ordered to make restitution in the amount of \$6422.25, plus interest, together with costs in the amount of \$578.39.

A handwritten signature in dark ink, appearing to read 'J. VanBolt', written over a horizontal line.

John F. VanBolt

Dated: SEP 11 1986