

Attorney Discipline Board



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NOTICE OF REVOCATION

DP-40/82
 DP-89/82

DONALD G. HUBER (P 15207), 3700 East Hiawatha Dr., Okemos, MI, 48864, by the Attorney Discipline Board increasing discipline imposed by a hearing panel.

- (1) Revocation of license;
- (2) Effective March 31, 1983 (As indicated in a prior notice of suspension pending appeal issued April 3, 1983).

The Board, increasing the panel suspension of one year to revocation of Respondent's license affirmed the following findings of fact: Respondent drafted a trust and thereafter acted as legal advisor to the trustee and induced the co-trustees to invest \$15,000 from the corpus of the trust as a short term loan to an acquaintance of Respondent; Respondent did not disclose to the co-trustees that he had financial interests conflicting with those of the trust in that said acquaintance of Respondent owed Respondent \$22,000; the co-trustees required and Respondent agreed that Respondent would "guarantee" the loan thereby becoming a joint obligor; Respondent failed to advise the co-trustees to seek independent counsel and prepared the loan documents himself; the loan documents did not reflect the due date and interest rate the co-trustees had agreed upon; Respondent failed to investigate the borrower's ability to repay the loan and failed to search titles to real property that the borrower was using to secure said loan; when the borrower defaulted Respondent arranged for sale of the real property which was encumbered by tax liens; Respondent deposited the proceeds from the sale of the real property in the sum of \$23,700 into his own bank account; when the co-trustees requested an accounting of the proceeds they were informed that Respondent had spent the entire amount for personal expenses.

The Board, in its opinion, noted certain aggravating factors including Respondent's failure to answer the Formal Complaint and the hearing panel action setting aside the default and granting several extensions. The Board also observed that the record disclosed that Respondent was evasive and uncooperative throughout the proceedings and the Board found no evidence in mitigation. The Board affirmed the findings that Respondent violated Canons 1, 5, and 9 of the Code of Professional Responsibility, to-wit: DR1-102(A)(4-6), DR5-104(A), DR5-105(A)(B), DR9-102(B)(4) and GCR 1963, 953(2-4). Costs were assessed in the amount of \$1,445.45. The Board order requires restitution to the trust, payment of costs and recertification by the Board of Law Examiners before any possible future reinstatement.

John F. X. Dwarffy
 JOHN F. X. DWARFFY, Executive Director
 & General Counsel

David Baker Lewis
 DAVID BAKER LEWIS, Secretary of the
 Attorney Discipline Board

Dated: AUG 31 1983

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