

MEMBERS
LOUANN VAN DER WIELE
CHAIRPERSON
REV. MICHAEL MURRAY
VICE-CHAIRPERSON

JAMES A. FINK
JOHN W. INHULSEN
JONATHAN E. LAUDERBACH
BARBARA WILLIAMS FORNEY
KAREN D. O'DONOGHUE
MICHAEL B. RIZIK, JR.
LINDA S. HOTCHKISS, MD

STATE OF MICHIGAN
ATTORNEY DISCIPLINE BOARD



211 WEST FORT STREET, SUITE 1410
DETROIT, MICHIGAN 48226-3236
PHONE: 313-963-5553 | FAX: 313-963-5571

MARK A. ARMITAGE
EXECUTIVE DIRECTOR
WENDY A. NEELEY
DEPUTY DIRECTOR
KAREN M. DALEY
ASSOCIATE COUNSEL
SHERRY L. MIFSUD
OFFICE ADMINISTRATOR
ALLYSON M. PLOURDE
CASE MANAGER
OWEN R. MONTGOMERY
CASE MANAGER
JULIE M. LOISELLE
RECEPTIONIST/SECRETARY

www.adbmich.org

NOTICE OF SUSPENSION
(By Consent)

Case No. 17-24-GA

Notice Issued: October 25, 2017

Dan A. Penning, P 39322, Suttons Bay, Michigan, by the Attorney Discipline Board Emmet County Hearing Panel #2.

Suspension - 30 Months, Effective October 25, 2017.

The respondent and the Grievance Administrator filed a stipulation for a consent order of discipline, in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by the hearing panel. Based upon respondent's admissions in the stipulation of the parties, the panel found that respondent committed professional misconduct by improper use of his IOLTA account, withdrawing fees from a trust account before they were earned, failing to render accurate accountings when requested, and failing to hold client property separate from his own.

Specifically, the panel found that respondent held funds in an IOLTA that were not client or third person funds, in violation of MRPC 1.15(a)(3); failed to hold property of a client or third person in connection with the representation separate from the lawyer's property, in violation of MRPC 1.15(d); deposited his own funds into a client trust account in excess of an amount reasonably necessary to pay financial institution service charges or fees, in violation of MRPC 1.15(f); failed to promptly render an accurate accounting regarding funds or property in which a client or third person had an interest, upon request by the client or third person, in violation of MRPC 1.15(b)(3); and withdrew funds from his client trust account, which funds were being held as the advance payment of legal fees and expenses, before the fees were earned or expenses incurred, in violation of MRPC 1.15(g). Respondent was also found to have violated MRPC 8.4(a) and MCR 9.104(2) and (3).

In accordance with the stipulation of the parties, the panel ordered that respondent's license to practice law be suspended for a period of 30 months. Costs were assessed in the amount of \$798.60.

Mark A. Armitage
Executive Director