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NOTICE OF DISBARMENT AND RESTITUTION WITH CONDITION

Case No. 16-43-GA

Notice Issued: November 2, 2016

John C. Schultes, P 33463, Detroit, Michigan, by the Attorney Discipline Board Tri-County Hearing Panel #28.

Disbarred, Effective November 2, 2016

Respondent was in default for his failure to file an answer to the formal complaint. Respondent appeared at the July 1, 2016 hearing and, based on his default the hearing panel found that respondent committed professional misconduct in his capacity as trustee of the Dante Joseph D'Alessandro Revocable Living Trust ("Trust") by misappropriating approximately \$204,365 between May 2013 and April 2014, and failing to timely file tax returns for the Trust. The panel further found that respondent breached his fiduciary duties under the Estate and Protected Individuals Code as a trustee, in violation of MCL 700.1308, 700.1502, 700.1506, MCL 700.7801, and MCL 700.7802; and engaged in conduct that violated a criminal law of a state or of the United States, in violation of MCR 9.104(5), including but not limited to MCL 750.174 (embezzlement), and MCL 750.362 (larceny by conversion). Respondent was also found to have violated MCR 9.104(2) and (3); and MRPC 8.4(a) and (b).

The panel ordered that respondent be disbarred from the practice law in Michigan. The panel also ordered that respondent be required to pay restitution to the Dante Joseph D'Alessandro Revocable Living Trust, as ordered by the Macomb County Probate Court, unless there was a different amount agreed to by the Probate Court or by complainant and trustee Richard J. Gianino, and that he would not be eligible to petition for reinstatement until payment is made in full. In addition, prior to petitioning for reinstatement, respondent is required to submit an evaluation from the Lawyers and Judges Assistance Program. Costs were assessed in the amount of \$2,019.82.

Mark A. Armitage