

Grievance Administrator  
v  
MICHAEL J. CHARBONNEAU,  
Respondent  
File Nos. DP-103/83; 126/83

Decided: June 13, 1984

OPINION OF THE BOARD

In January, 1978 Respondent was appointed as the guardian of his client for her lifetime. In April, 1979 an inventory was filed. Two years later in, July, 1981 the client died and a personal representative was appointed. During the term of his guardianship, Respondent failed to file annual accountings which resulted in his suspension by the court as guardian. Respondent also failed to file tax returns. When the personal representative requested an accounting, Respondent failed to comply. Also, Respondent failed or refused to turn over possession of the assets to the personal representative. The personal representative was forced to petition the probate court to compel Respondent's compliance. Respondent then, on December 31, 1981, filed a false accounting which failed to include assets of \$25,000. Respondent was ordered by the probate court to turn over the \$25,000 but instead tendered a promissory note. The court then went against the surety pursuant to the guardianship bond to collect the \$25,000.

Respondent failed to answer and appear before the hearing panel in the case at bar, personally or by counsel; he has not submitted reasons for his failure to answer or his absence, and has filed no pleadings or other documents with the Board. We increase discipline from a suspension of one year to revocation of license.

The misconduct charged in the Formal Complaint is alone egregious enough to warrant disbarment. See In re Moskal, File No. 34966-A (1979); In re Clark (1976). "By his acts Respondent denotes a gross want of fealty to the law and a flagrant disregard of the duties of honesty, fidelity, candor, and fairness which, as a lawyer, he owed to his clients." Clark.

Respondent appeared before the Board, but offers little or no argument that would support moderation of the sanction we must impose. His total failure to answer and otherwise cooperate with the Attorney Grievance Commission and the probate court is a severely aggravating factor in a case involving misconduct which ranks among the most serious of offenses. Schwartz v Zisman, File Nos. DP-66/80, DP-25/80 (1981).

FINDINGS AFFIRMED, DISCIPLINE AMENDED.

ALL CONCUR, EXCEPT BOARD MEMBER PATRICK KEATING who took no part in the consideration of this case.