

STATE OF MICHIGAN

FILED
ATTORNEY DISCIPLINE BOARD

Attorney Discipline Board 09 FEB -6 PM 2:57

GRIEVANCE ADMINISTRATOR,
Attorney Grievance Commission,

Petitioner,

v

Case No. 07-110-GA

GERALD A. BAGAZINSKI, P 41264,

Respondent.
_____ /

ORDER AFFIRMING HEARING PANEL
ORDER OF SUSPENSION OF 30 DAYS AND RESTITUTION

Issued by the Attorney Discipline Board
211 W. Fort St., Ste. 1410, Detroit, MI

Respondent, Gerald A. Bagazinski, petitioned for review of the hearing panel order of suspension and restitution issued in this matter by Tri-County Hearing Panel #8 on June 26, 2008. The Board has conducted review proceedings in accordance with MCR 9.118 and has considered the briefs and arguments presented by the parties at a review hearing conducted on January 14, 2009 and the Board is otherwise fully advised,

NOW THEREFORE,

IT IS ORDERED that the hearing panel order of suspension and restitution entered June 26, 2008 is **AFFIRMED**.

IT IS FURTHER ORDERED that the automatic stay pursuant to MCR 9.115(K) shall remain in effect for a period of 28 days from the date of this order. Respondent, Gerald A. Bagazinski, is **SUSPENDED FROM THE PRACTICE OF LAW IN MICHIGAN FOR A PERIOD OF 30 DAYS, COMMENCING MARCH 7, 2009** and until the respondent's filing of an affidavit of compliance with the Supreme Court, the Attorney Discipline Board and the Attorney Grievance Commission in accordance with MCR 9.123(A).

IT IS FURTHER ORDERED that respondent shall, on or before **March 7, 2009**, pay restitution to Theresa Prentki in the amount of **\$575.00**, plus interest at the statutory judgment rate of interest from the date respondent was paid by Theresa Prentki to the date of repayment. Respondent shall file written proof of payment with the Attorney Grievance Commission and the Attorney Discipline Board within 10 days of the payment of restitution. Respondent shall not be eligible for reinstatement in accordance with MCR 9.123(A) unless he has made restitution, including interest, to Theresa Prentki and has filed written proof of payment.

IT IS FURTHER ORDERED that from the effective date of this order and until reinstatement in accordance with the applicable provisions of MCR 9.123, respondent is forbidden from practicing

law in any form; appearing as an attorney before any court, judge, justice, board, commission or other public authority; or holding himself out as an attorney by any means.

IT IS FURTHER ORDERED that respondent shall, in accordance with MCR 9.119(A), within seven days after the effective date of this order, notify all of his active clients, in writing, by registered or certified mail, return receipt requested, of the following:

1. the nature and duration of the discipline imposed;
2. the effective date of such discipline;
3. respondent's inability to act as an attorney after the effective date of such discipline;
4. the location and identity of the custodian of the clients' files and records which will be made available to them or to substitute counsel;
5. that the clients may wish to seek legal advice and counsel elsewhere; provided that if respondent is a member of a law firm, the firm may continue to represent each client with the client's express written consent;
6. the address to which all correspondence to respondent may be addressed.

IT IS FURTHER ORDERED that in accordance with MCR 9.119(B), respondent must, on or before the effective date of the order, in every matter in which respondent is representing a client in litigation, file with the tribunal and all parties a notice of respondent's disqualification from the practice of law.

IT IS FURTHER ORDERED that respondent shall, within 14 days after the effective date of the order, file with the Grievance Administrator and the Attorney Discipline Board an affidavit of compliance as required by MCR 9.119(C).

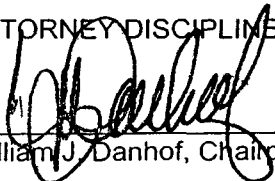
IT IS FURTHER ORDERED that respondent's conduct after the entry of this order but prior to its effective date, shall be subject to the restrictions set forth in MCR 9.119(D); and respondent's compensation for legal services shall be subject to the restrictions described in MCR 9.119(F).

IT IS FURTHER ORDERED that respondent shall, on or before **March 7, 2009**, pay costs previously assessed in the hearing panel order of June 26, 2007 in the amount of \$2,393.80, together with costs incurred by the Attorney Discipline Board for the transcript of review proceedings conducted on January 14, 2009 in the amount of \$91.00 for a total amount due of **\$2,484.80**. Check or money order shall be made payable to the State Bar of Michigan, but submitted to the Attorney Discipline Board [211 West Fort St., Ste. 1410, Detroit, MI 48226] for proper crediting. (See attached instruction sheet).

ATTORNEY DISCIPLINE BOARD

DATED: February 6, 2009

By:


William J. Danhof, Chairperson

Board members William J. Danhof, Thomas G. Kienbaum, Billy Ben Baumann, M.D., Andrea L. Solak, Rosalind E. Griffin, M.D., Carl E. Ver Beek, Craig H. Lubben and James M. Cameron, Jr. concur in this decision.

Board member William L. Matthews, C.P.A. did not participate.