

## Final Disbarment

**Audra Annette Arndt**, P63341, Farmington Hills, by the Attorney Discipline Board, Tri-County Hearing Panel #61, effective March 30, 2016.

The respondent filed an answer to the formal complaint and was present at the hearings. The hearing panel found that the respondent failed to promptly pay or deliver any funds or other property that a client or third person was entitled to receive, in violation of MRPC 1.15(b)(3); failed to hold separate funds or property of which two people claimed an interest, in violation of MRPC 1.15(c); failed to hold property of a third person in connection with representation separate from the lawyer's own property, in violation of MRPC 1.15(d); engaged in conduct involving dishonesty, fraud, deceit, and/or misrepresentation, or a violation of the criminal law, contrary to MRPC 8.4(b); engaged in conduct that exposes the legal profession to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(A)(2); and engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3).

The panel ordered that the respondent be disbarred from the practice law in Michigan. The respondent filed a timely petition for review, but failed to file the required brief in support of her petition. On April 29, 2016, the Attorney Discipline Board issued an order dismissing the respondent's petition for review. Total costs were assessed in the amount of \$3,396.68.

## Automatic Reinstatements

**Marvin W. Smith**, P41281, Ferndale, effective May 19, 2016.

The respondent was suspended from the practice of law in Michigan for 60 days, effective December 24, 2015. In accordance with MCR 9.123(A), the suspension was terminated with the respondent's filing of an affidavit with the clerk of the Michigan Supreme Court.

**Garner Keith Train**, P30554, Clio, effective May 12, 2016.

The respondent was suspended from the practice of law in Michigan for 90 days with

conditions, effective May 15, 2015, in Case Nos. 14-119-JC; 15-5-GA. On July 13, 2015, the grievance administrator filed Case No. 15-77-MZ, a Petition for an Order to Show Cause, seeking an increase in discipline for the respondent's failure to comply with the conditions in the order of suspension issued in Case Nos. 14-119-JC; 15-5-GA.

On December 11, 2015, the parties filed a stipulation to amend the order of discipline to suspend the respondent's license to practice law for an additional 30 days, effective December 15, 2015, and to dismiss the show cause proceeding. The panel accepted the parties' stipulation and entered an order in conformity with it.

The suspensions in both cases were terminated with the respondent's filing of an affidavit of compliance, pursuant to MCR 9.123(A), with the clerk of the Michigan Supreme Court on May 12, 2016.

## Reinstatements (With Conditions)

**Michael A. Conway**, P12165, Grosse Pointe Farms, by the Attorney Discipline Board, Tri-County Hearing Panel #24, effective May 25, 2016.

The petitioner has been suspended from the practice of law in Michigan since January 6, 1999. His petition for reinstatement, filed in accordance with MCR 9.123(B) and MCR 9.124, was granted by Tri-County Hearing Panel #24, which concluded that the petitioner had satisfactorily established his eligibility for reinstatement in accordance with those court rules. The panel issued an order of eligibility for reinstatement with specific conditions to be met before the petitioner could be reinstated to the practice of law in Michigan.

The Board received written proof of the petitioner's compliance with those conditions and issued an order of reinstatement with conditions on May 25, 2016. Total costs were assessed in the amount of \$1,074.57.

**Daniel M. Noveck**, P28087, Royal Oak, by the Attorney Discipline Board, Tri-County Hearing Panel #64, effective May 19, 2016.

The petitioner has been suspended from the practice of law in Michigan since May 2, 2013. His petition for reinstatement, filed in accordance with MCR 9.123(B) and MCR

9.124, was granted by Tri-County Hearing Panel #64, which concluded that the petitioner had satisfactorily established his eligibility for reinstatement in accordance with those court rules. The panel issued an order of eligibility for reinstatement with a specific condition to be met before the petitioner could be reinstated to the practice of law in Michigan.

The Board received written proof of the petitioner's compliance with that condition and issued an order of reinstatement with conditions on May 19, 2016. Total costs were assessed in the amount of \$982.61.

## Suspension and Restitution

**Brian R. Wutz**, P66897, Burns, Tennessee, by the Attorney Discipline Board, Tri-County Hearing Panel #6, for 180 days, effective May 14, 2016.

The respondent was in default for failing to file an answer to the formal complaint and failed to appear at the first hearing. The respondent's counsel filed a motion to set aside the default, which was denied. The respondent did appear at the sanction hearing.

Based on the respondent's default, the hearing panel found that he failed to seek the lawful objectives of his clients through reasonably available means permitted by law and the Michigan Rules of Professional Conduct, in violation of MRPC 1.2(a); failed to act with reasonable diligence and promptness in representing his clients, in violation of MRPC 1.3; failed to communicate with his clients regarding the status of their legal matters, in violation of MRPC 1.4(a); failed to communicate with his clients to the extent reasonably necessary to permit his clients to make informed decisions regarding their representation, in violation of MRPC 1.4(b); failed to communicate the basis or rate of the fee to his clients, in violation of MRPC 1.5(b); failed to deposit the advance payment of fees in a client trust account, in violation of MRPC 1.15(g); failed to promptly render a full accounting upon his clients' requests, in violation of MRPC 1.15(b)(3); failed to maintain the advance payment of fees in a client trust account until the fees were earned or expenses were incurred, in violation of MRPC 1.15(g); failed to refund

the unearned portion of the advance payment of fees and surrender papers and property to which his clients were entitled, in violation of MRPC 1.16(d); failed to answer requests for investigation, in violation of MCR 9.104(7), MCR 9.113(A), and MCR 9.113(B)(2); and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation, in violation of MRPC 8.4(b). The panel further found that the respondent violated MRPC 8.4(c) and MCR 9.104(1)–(3).

The hearing panel ordered that the respondent's license to practice law in Michigan be suspended for 180 days and that he pay restitution in the aggregate amount of \$11,500. Costs were assessed in the amount of \$2,351.61.

### Final Suspension and Restitution

**Satch U. Ejike**, P58701, Bloomfield Hills, by the Attorney Discipline Board, Tri-County Hearing Panel #72, for 180 days, effective January 27, 2016.<sup>1</sup>

The respondent did not appear at the public hearing and was found to be in default for failing to file an answer to Formal Complaint 15-119-GA. Based on the testimony and the respondent's default, the hearing panel found that the respondent neglected a legal matter entrusted to him, in violation of MRPC 1.1(c); failed to seek the lawful objectives of the client through reasonably available means permitted by law, in violation of MRPC 1.2(a); failed to act with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3; failed to adequately communicate with a client, in violation of MRPC 1.4; failed to surrender papers or property or to refund the advance payment of a fee that had not been earned upon termination of the representation, in violation of MRPC 1.16(d); and failed to answer a request for investigation, in violation of MCR 9.104(7), MCR 9.113(A) and (B)(2). The panel also found that the respondent violated MRPC 8.4(c) and MCR 9.104(1)–(3).

The panel ordered that the respondent's license to practice law in Michigan be suspended for 180 days, retroactive to January 27, 2016, the date of the interim suspension. The panel further ordered that the respondent shall pay restitution in the amount of



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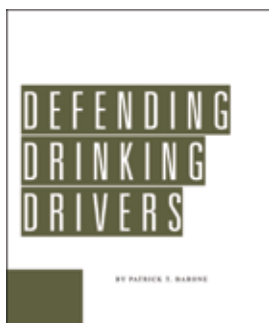
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\$4,000. Costs were assessed in the amount of \$1,919.82.

1. The respondent has been continuously suspended from the practice of law in Michigan since January 27, 2016. Please see Notice of Suspension Pursuant to MCR 9.115(H)(2), issued January 27, 2016.

## Suspensions and Restitution (With Conditions)

**Trevor M. Robinson**, P69326, Lansing, by the Attorney Discipline Board, Ingham County Hearing Panel #7, for three years, effective May 27, 2016.<sup>1</sup>

The respondent appeared at the hearing but was found to be in default for his failure to answer the formal complaint. Based on the respondent's default, the panel found that he neglected five legal matters, in violation of MRPC 1.1(C); failed to act with reasonable diligence and promptness with regard to those legal matters, in violation of MRPC 1.3; failed to keep his clients reasonably informed and comply promptly with reasonable requests for information, in violation of MRPC 1.4(a); failed to explain matters to the extent reasonably necessary to permit his clients to make informed decisions, in violation of MRPC 1.4(b); failed to refund unearned fees and failed to surrender papers and property to which his clients were entitled, in violation of MRPC 1.16(d); failed to make reasonable efforts to expedite litigation, in violation of MRPC 3.2; failed to respond to lawful demands for information from a disciplinary authority, contrary to MRPC 8.1(a)(2); failed to answer three requests for investigation, in violation of MCR 9.113(A) and (B)(2) and MCR 9.104(7); failed to appear and give evidence as commanded by a subpoena, contrary to MCR 9.112(D)(2); and engaged in conduct that involved dishonesty, fraud, deceit, or misrepresentation, where such conduct reflected adversely on his honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b). The panel also found that the respondent had violated MRPC 8.4(c) and MCR 9.104(1)-(3).

The panel ordered that the respondent's license to practice law in Michigan be suspended for three years and that he pay restitution in the aggregate amount of \$5,400. The panel also ordered that the respondent be subject to a condition relevant to the

established misconduct. Costs were assessed in the amount of \$2,140.77.

1. The respondent has been continuously suspended from the practice of law in Michigan since April 29, 2015. Please see Notice of Suspension and Restitution With Condition, issued April 29, 2015.

**Cynthia Young**, P75849, Lathrup Village, by the Attorney Discipline Board, Tri-County Hearing Panel #65, for 180 days, effective May 13, 2016.<sup>1</sup>

The respondent was in default for failure to file an answer to the formal complaint, but she did appear at the public hearing. After the public hearing held on January 6, 2016, however, Tri-County Hearing Panel #65 ordered that the respondent's license to practice law in Michigan should be immediately suspended, and her license was suspended January 11, 2016, pending further order of the panel.

Based on the respondent's default, the panel found that she handled a legal matter without preparation adequate in the circumstances, in violation of MRPC 1.1(b); failed to act with reasonable diligence and promptness when representing a client, in violation of MRPC 1.3; failed to keep a client reasonably informed regarding the status of a matter, in violation of MRPC 1.4(a); revealed a confidence or secret of a client, in violation of MRPC 1.6(b)(1); used a confidence or secret of a client to the disadvantage of the client, in violation of MRPC 1.6(b)(2); failed to refund an unearned attorney fee paid in advance, in violation of MRPC 1.16(d); knowingly disobeyed an obligation under the rules of a tribunal, in violation of MCR 3.4(c); and engaged in conduct involving dishonesty, fraud, deceit, and/or misrepresentation, in violation of MRPC 8.4(a) [sic]. The panel also found that the respondent violated MCR 9.104(1)–(3).

The panel ordered that the respondent's license to practice law be suspended for 180 days, effective May 13, 2016, the day the order was issued. The panel also ordered the respondent to pay restitution in the aggregate amount of \$2,650 and comply with a condition relevant to the established misconduct. Costs were assessed in the amount of \$2,448.01.

1. The respondent has been continuously suspended from the practice of law in Michigan since January 11, 2016. Please see Notice of Interim Suspension, issued March 3, 2016.

### Automatic Interim Suspension

**Thomas O. Mix Jr.**, P62659, Houghton Lake, effective May 11, 2016.

On May 11, 2016, the respondent pleaded no contest to larceny in a building, in violation of MCL 750.360, a felony. In accordance with MCR 9.120(B)(1), the respondent's license to practice law in Michigan was automatically suspended on the date of his felony conviction.

Upon the filing of a judgment of conviction, this matter will be assigned to a hearing panel for further proceedings. The interim suspension will remain in effect until the effective date of an order filed by a hearing panel.

### Interim Suspension Pursuant to MCR 9.115(H)(1)

**Robert A. Switzer**, P74724, Lincoln Park, by the Attorney Discipline Board, Tri-County Hearing Panel #25, effective May 31, 2016.

After being properly served with the formal complaint and the notice of hearing, the respondent failed to personally appear at the May 4, 2016 hearing. After satisfactory proofs were entered that the respondent possessed actual notice of the proceedings, the hearing panel, in accordance with MCR 9.115(H)(1), determined that the respondent's failure to appear warranted an interim suspension from the practice of law until further order of the panel.

On May 23, 2016, the panel issued an order of suspension pursuant to MCR 9.115(H)(1), effective May 31, 2016, and until further order of the panel or the Board.

### Suspension With Condition (By Consent)

**Danté L. Goss**, P60162, Livonia, by the Attorney Discipline Board, Tri-County Hearing Panel #19, for 45 days, effective May 1, 2016.

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 on the respondent's admissions and the amended stipulation of the parties, the panel found that, in

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a probate matter, the respondent neglected and abandoned the matter, in violation of MRPC 1.1(c); failed to seek the lawful objectives of his client through reasonably available means, in violation of MRPC 1.2(a); failed to act with reasonable diligence and promptness, in violation of MRPC 1.3; failed to keep his client reasonably informed about the status of the matter and comply with reasonable requests for information, in violation of MRPC 1.4(a); failed to explain the matter to his client to the extent reasonably necessary to permit his client to make informed decisions regarding the representa-

tion, in violation of MRPC 1.4(b); engaged in conduct that was prejudicial to the proper administration of justice, in violation of MCR 9.104(1); engaged in conduct that exposed the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); and engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3).

The hearing panel ordered that the respondent's license to practice law in Michigan be suspended for 45 days, effective May 1, 2016, as stipulated by the parties. The panel also ordered that the respondent

be subject to a condition relevant to the established misconduct. Costs were assessed in the amount of \$765.02.

### Final Suspension With Condition (By Consent)

**Barry R. Bess**, P10763, Southfield, by the Attorney Discipline Board, affirming Tri-County Hearing Panel #56's Order of Suspension With Condition (By Consent), for 180 days, effective January 17, 2015.

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 on the respondent's plea of no contest, the panel found that he failed to promptly render a full accounting of all funds upon the client's request, in violation of MRPC 1.15(b)(3).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent's license to practice law in Michigan be suspended for 180 days, effective January 17, 2015 (as stipulated by the parties), with a condition relevant to the alleged misconduct. The complainant filed a petition for review, and the Attorney Discipline Board affirmed the hearing panel's order on December 22, 2015. The complainant filed an application for leave to appeal with the Michigan Supreme Court, which was denied on May 2, 2016. Total costs were assessed in the amount of \$1,775.31.

### Transfer to Inactive Status Pursuant to MCR 9.121(A)

**Steven P. Iamarino**, P34215, Grand Blanc, by the Attorney Discipline Board, effective May 16, 2016.

The grievance administrator filed a notice of incompetency and/or disability, pursuant to MCR 9.121(A), showing that the respondent had been judicially declared incompetent due to an impairment by a physical illness or disability. On May 16, 2016, the Attorney Discipline Board issued an order transferring the respondent's license to inactive status pursuant to MCR 9.121(A) for an indefinite period and until further order of the Board.

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