

## Disbarment and Restitution

**Steven B. Ruza**, P41476, Orchard Lake, by the Attorney Discipline Board, Tri-County Hearing Panel #10, effective November 17, 2016.<sup>1</sup>

The respondent pleaded guilty to conducting a criminal enterprise, in violation of MCL 750.159, a felony, in *People of the State of Michigan v Steven Barry Ruza & Home Legal Group*, 6th Circuit Court Case Nos. 15-255833-FH; 15-255834-FH. In accordance with MCR 9.120(B)(1), the respondent's license to practice law in Michigan was automatically suspended, effective September 4, 2015, the date of his felony conviction. Based on the respondent's conviction, the panel found that he committed professional

misconduct that violated a criminal law of a state or of the United States, contrary to MCR 9.104(5).

The panel ordered that the respondent be disbarred from the practice of law in Michigan and that he pay restitution as ordered in the underlying criminal matter, including payment to the Home Protection Unit Victim Reimbursement Fund at the State of Michigan and to the Client Protection Fund at the State Bar of Michigan for any funds which may have been paid to the respondent's former clients. Total costs were assessed in the amount of \$1,988.59.

1. The respondent has been continuously suspended from the practice of law in Michigan since September 4, 2015. Please see Notice of Automatic Interim Suspension, issued September 23, 2015.

## Disbarment (By Consent)

**Thomas O. Mix Jr.**, P62659, Houghton Lake, by the Attorney Discipline Board, Tri-Valley Hearing Panel #1, effective May 11, 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. The stipulation contains the respondent's admission that he was convicted of larceny in a building, a felony, in violation of MCL 750.360, in *People of the State of Michigan v Thomas Owen Mix*, 34th Circuit Court Case No. 16-007596-FH-A; and of contempt of court for failure to appear for a probation violation, in *People of the State of Michigan v Thomas Owen Mix*, 82nd District Court Case No. 16-19-GZ. In accordance with MCR 9.120(B)(1), the respondent's license to practice law in Michigan was automatically suspended on May 11, 2016, the date of his conviction.

Based on the respondent's conviction and his acknowledgment in the stipulation, it was established that the respondent engaged in conduct that violated the criminal laws of the state of Michigan, contrary to MCR 9.104(5).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be disbarred from the practice of law in Michigan. Costs were assessed in the amount of \$863.42.

## Automatic Reinstatement

**Kevin W. Kevelighan**, P59357, Bloomfield Hills.

The respondent was suspended from the practice of law in Michigan for 179 days, effective May 16, 2016. 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.

## Reprimand (By Consent)

**Rockwood W. Bullard III**, P26231, Clarkston, by the Attorney Discipline Board, Tri-County Hearing Panel #56, effective November 17, 2016.

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## DUTY TO REPORT AN ATTORNEY'S CRIMINAL CONVICTION

All Michigan attorneys are reminded of the reporting requirements of **MCR 9.120(A)** when a lawyer is convicted of a crime:

### What to Report:

A lawyer's conviction of any crime, including misdemeanors. A conviction occurs upon the return of a verdict of guilty or upon the acceptance of a plea of guilty or no contest.

### Who Must Report:

Notice must be given by all of the following:

1. The lawyer who was convicted;
2. The defense attorney who represented the lawyer; and
3. The prosecutor or other authority who prosecuted the lawyer.

### When to Report:

Notice must be given by the lawyer, defense attorney, and prosecutor within **14 days** after the conviction.

### Where to Report:

Written notice of a lawyer's conviction must be given to:

**Grievance Administrator**  
**Attorney Grievance Commission**  
Buhl Building, Ste. 1700  
535 Griswold, Detroit, MI 48226  
and

**Attorney Discipline Board**  
211 W. Fort Street, Ste. 1410  
Detroit, MI 48226

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. The stipulation contained the respondent's admissions to the allegations that he committed professional misconduct as the result of his improper use of an IOLTA account from January 2015 through August 2015, and that in April and May 2015, he improperly provided financial assistance to a client in connection with pending or contemplated litigation.

Based on the respondent's admissions and the stipulation of the parties, the panel found that he provided financial assistance to a client in connection with pending or contemplated litigation, in violation of MRPC 1.8(e); held funds other than client or third-person funds in an IOLTA account, in violation of MRPC 1.15(a)(3); and deposited his own funds into an IOLTA account in excess of the amount reasonably necessary to pay financial institution service charges or fees or to obtain a waiver of service charges or fees, in violation of MRPC 1.15(f). The respondent was also found to have violated MCR 9.104(2)–(4) and MRPC 8.4(a). In entering its finding of misconduct, the panel acknowledged paragraph 3(d) of the Stipulation for Consent Order of Discipline, which stated that "there is no evidence that Respondent improperly used, converted, misappropriated, or commingled client funds."

In accordance with the stipulation of the parties, the panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$884.68.

### Suspensions and Restitution (With Condition)

**Jeffrey A. Cruz**, P60284, Lansing, by the Attorney Discipline Board, Ingham County Hearing Panel #1, for 179 days, effective November 29, 2016.

The respondent appeared at the hearing but was in default for his failure to file an answer to the formal complaint. Based on the respondent's default, the hearing panel found that he committed professional misconduct in his representation of two separate clients in regard to Friend of the Court matters when he failed to inform one client

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that objections to a Friend of the Court recommendation as to custody, parenting time, and child support were filed, that a hearing on the objections had been noticed, and that a proposed order from the hearing was issued pursuant to the 7-day rule; and, in the second matter, after being retained to file objections to a Friend of the Court recommendation, he failed to file such objections, made a false statement to his client that the objections had been filed when they had not, failed to return the client's documents, and failed to refund the unearned fee.

The panel found that the respondent neglected the legal matters, in violation of MRPC 1.1(c); failed to act with reasonable diligence while representing his clients, in violation of MRPC 1.3; failed to keep his clients reasonably informed regarding the status of their legal matters and respond promptly to reasonable requests for information, in violation of MRPC 1.4(a); and failed to explain the clients' matters to them to the extent reasonably necessary for the clients to make informed decisions regarding their representation, in violation of MRPC 1.4(b). The respondent was also found to have violated MCR 9.104(1)-(3).

The panel ordered that the respondent's license to practice law be suspended for 179 days. The panel also ordered that the respondent be required to pay restitution in the amount of \$500 to Charles Edward Vasquez and \$500 to Chelsea A. Marr. Additionally, the respondent is required to attend the State Bar of Michigan's "Tips and Tools for a Successful Practice" seminar, or an equivalent seminar, as a condition of having his license restored. Costs were assessed in the amount of \$2,068.81.

**David Lyle Haverstick**, P78202, Commerce Township, by the Attorney Discipline Board, Tri-County Hearing Panel #62, for one year, effective November 18, 2016.<sup>1</sup>

The respondent was in default for his failure to file an answer to the formal complaint and did not attend the public hearing. Based on the respondent's default, the hearing panel found that he committed professional misconduct in his representation of a client in a probate matter when he failed to begin the probate proceedings and when he

failed to return the client's documents and refund the unearned fee. The panel found that the respondent handled a legal matter which he knew, or should have known, he was not competent to handle and failed to either associate with a competent lawyer or undertake preparation to become competent, in violation of MRPC 1.1(a) and (b); failed to diligently represent the client's interests, in violation of MRPC 1.1(c) and 1.3; failed to seek the lawful objectives of his client, in violation of MRPC 1.2(a); failed to keep his client reasonably informed as to the status of the proceedings or provide explanations of the matter reasonably necessary to permit the client to make informed decisions concerning the representation, in violation of MRPC 1.4(a) and (b); failed to refund unearned fees or return the client's file, in violation of MRPC 1.16(d); failed to timely answer a request for investigation, in violation of MCR 9.104(7), MCR 9.113(A), and MCR 9.113(B)(2); and knowingly failed to respond to a lawful demand for information from a disciplinary authority, in violation of MRPC 8.1(a)(2). The respondent was also found to have violated MCR 9.104(1)–(4); and MRPC 8.4(a) and (c).

The panel ordered that the respondent's license to practice law be suspended for one year. The panel also ordered that the respondent be required to pay restitution in the amount of \$1,000 to Kimberly Rush and to return the original copy of David Loren Rabb's will to Complainant Rush. Costs were assessed in the amount of \$1,944.83.

1. On June 23, 2016, the hearing panel issued an order suspending the respondent from the practice of law based on his failure to appear at the public hearing. That suspension went into effect on June 30, 2016. Please see Notice of Interim Suspension Pursuant to MCR 9.115(H)(1), issued June 30, 2016.

### Automatic Interim Suspension

**Charles T. Busse**, P49770, Rochester, effective November 3, 2016.

On November 3, 2016, the respondent entered a plea of guilty in the U.S. District Court for the Eastern District of Michigan, Southern Division, to the following felonies: conspiracy to defraud the United States, in violation of 18 USC 371; bribery of a public official, in violation of 18 USC 201(b)(1)(A),

(B), and (C); tax evasion, in violation of 26 USC 7201; and failure to report currency transactions of more than \$10,000, in violation of 31 USC 5324(b)(1). Upon acceptance of the plea by the court, on November 3, 2016, the respondent was convicted and, in accordance with MCR 9.120(B)(1), the respondent's license to practice law in Michigan was automatically suspended.

Upon the filing of a certified 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.

### Suspension With Conditions (By Consent)

**Eric L. Naslund**, P42648, Sylvan Lake, by the Attorney Discipline Board, Tri-County Hearing Panel #62, for 179 days, effective December 1, 2016.

On June 14, 2016, the grievance administrator filed a motion for order to show cause

why discipline should not be increased, alleging a violation under MCR 9.123(A) and that the respondent continued to misuse his IOLTA account while serving a 179-day suspension ordered in *Grievance Administrator v Eric L. Naslund*, Case No. 14-45-GA. 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 parties' stipulation, the respondent admitted paragraphs 1–11 and 13–14 of the grievance administrator's motion for order to show cause and pled no contest to paragraphs 12(a)–(e) and 15 of the motion.

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 179 days, imposed conditions regarding IOLTA and trust accounts, and ordered that he continue with counseling. Total costs were assessed in the amount of \$780.68.

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