

Disbarment

Michael E. Tindall, P29090, Falls Church, Virginia, by the Attorney Discipline Board, Tri-County Hearing Panel #104, effective September 20, 2017.

Based on the evidence presented by the parties at the hearings held in this matter, the hearing panel found that the respondent committed the professional misconduct alleged in the formal complaint by bringing frivolous proceedings and asserting frivolous issues, in violation of MRPC 3.1. The

panel also found that the respondent engaged in conduct that involved dishonesty, fraud, or misrepresentation, where such conduct reflected adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b); engaged in conduct that was in violation of the Michigan Rules of Professional Conduct, contrary to MRPC 8.4(a) and MCR 9.104(4); engaged in conduct that was prejudicial to the administration of justice, in violation of MRPC 8.4(c) and 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 was contrary to justice, in violation of MCR 9.104(3).

The panel ordered that the respondent be disbarred from the practice of law. The respondent filed a timely petition for review and a request for a stay of discipline, which was denied by the Board on September 21, 2017. Upon review, the Board affirmed the hearing panel's order of disbarment on June 13, 2018. Total costs were assessed in the amount of \$4,804.94.

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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

Disbarment and Restitution

James F. Wynn, P32292, Petoskey, by the Attorney Discipline Board, Emmet County Hearing Panel #1, effective July 12, 2018.

Based on the respondent's default, the hearing panel found that the respondent committed professional misconduct in his representation of American Hospitality Management 1, LLC, for negotiation of potential financing and management assistance agreements in hotel projects; and that he failed to answer a request for investigation.

The panel found that the respondent failed to promptly pay or deliver funds that the client or third person was entitled to receive, in violation of MRPC 1.15(b)(3); failed to hold client and third-party funds in connection with a representation separate from the lawyer's funds, in violation of MRPC 1.15(d); failed to deposit the client or third-person funds into an IOLTA or non-IOLTA account, and failed to appropriately safeguard such funds, in violation of MRPC 1.15(d); in the course of representing a client, knowingly made a false statement of material fact to a third person, in violation of MRPC 4.1; engaged in conduct that violated a criminal law of the state, contrary to MCR 9.104(5); and failed to answer a request for investigation in conformity with MCR 9.113(A), in violation of MCR 9.104(7). The respondent was also found to have violated MCR 9.104(1)–(3); and MRPC 8.4(a)–(c).

The panel ordered that the respondent be disbarred from the practice of law in Michigan and that he be required to pay restitution in the amount of \$250,000 to

the complainant. Costs were assessed in the amount of \$2,101.69.

Disbarment and Restitution (With Condition)

Angela Kathleen Howell, P70129, Warren, by the Attorney Discipline Board, Tri-County Hearing Panel #103, effective July 6, 2018.

Based on the respondent's default, the hearing panel found that the respondent committed professional misconduct when, after being suspended from the practice of law for 180 days, effective August 1, 2016, she held herself out as an attorney available to represent clients; met with and accepted money to handle two eviction matters for a client; failed to advise a client that she was currently suspended from the practice of law; approximately two months after their first contact, she stopped communicating with the client; failed to do the work for which she was hired; failed to return the documents and other materials that were given to her; failed to return the money that was paid to her; and failed to answer a request for investigation.

The panel found that the respondent neglected a matter entrusted to her, in violation of MRPC 1.1(c); failed to seek the lawful objectives of the client, in violation of MRPC 1.2(a); failed to act with diligence and promptness in representing a client, in violation of MRPC 1.3; failed to keep the client informed of the status of the matter and comply promptly with reasonable requests for investigation, in violation of MRPC 1.4(a); failed to refund the unearned portion of an advance fee, in violation of MRPC 1.16(d); failed to answer a request for investigation or complaint in conformity with MCR 9.113 and 9.115(D), in violation of MCR 9.104(7); violated an order of discipline, contrary to MCR 9.104(9); practiced law while suspended, in violation of MCR 9.119(E)(1); and held herself out as an attorney by any means while suspended, in violation of MCR 9.119(E)(4). The respondent was also found to have violated MCR 9.104(1)–(4); and MRPC 8.4(a)–(c).

The panel ordered that the respondent be disbarred from the practice of law in

Michigan. In addition, the panel ordered that the respondent be required to pay restitution in the amount of \$2,050 and that she return any and all documents that were given to her, as well any as keys or any physical things in her possession belonging to the client. Costs were assessed in the amount of \$1,975.25.

Reinstatement

Mark S. Demorest, P35912, Royal Oak, by the Attorney Discipline Board, Tri-County Hearing Panel #54, effective April 23, 2018.

The petitioner was suspended from the practice of law for 180 days, effective August 31, 2017. His petition for reinstatement, filed in accordance with MCR 9.123(B) and MCR 9.124, was granted by Tri-County Hearing Panel #54. The panel concluded that the petitioner had satisfactorily established his eligibility for reinstatement in accordance with the guidelines of those court rules. On April 20, 2018, the panel issued its Interim Order of Eligibility for Reinstatement conditioned on the petitioner's payment of bar dues to the State Bar of Michigan. On April 23, 2018, the Board received the required

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written documentation that the petitioner paid his dues with the State Bar of Michigan, and the Board issued an interim order reinstating the petitioner to the practice of law in Michigan, effective April 23, 2018, pending the panel's final report and order.

The panel issued its final report and order of reinstatement on June 29, 2018. Total costs were assessed in the amount of \$779.04.

Automatic Reinstatements

Joseph Bernwanger, P71895, Dearborn Heights, pursuant to MCR 9.123(A): July 9, 2018.

The respondent was suspended from the practice of law in Michigan for 30 days, effective June 8, 2018. 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, the Board, and the administrator, attesting to his full compliance with the terms and conditions of the Order of Suspension and Restitution (By Consent) issued in this matter.

Michael A. Capuzzi, P47152, Pompano Beach, Florida, pursuant to MCR 9.123(A): July 5, 2018.

The respondent was suspended from the practice of law in Michigan for 90 days, effective April 2, 2018. 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, attesting to his full compliance with the terms and conditions of the Order of Suspension (With Condition) issued in this matter.

Joel Mendoza, P69557, Lansing, pursuant to MCR 9.123(A): July 5, 2018.

The respondent was suspended from the practice of law in Michigan for 30 days, effective May 9, 2018. 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, attesting to his full compliance with the terms and conditions of the Order of Suspension (By Consent) issued in this matter.

Reprimand and Restitution With Condition (By Consent)

Peter A. D'Angelo, P69487, Portage, by the Attorney Discipline Board, Kalamazoo County Hearing Panel #3, effective July 4, 2018.

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 acts of professional misconduct by neglecting a client's adoption matter, and by neglecting a separate client's divorce proceeding.

Based on the respondent's admissions and the stipulation of the parties, the 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 his 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 his client, in violation of MRPC 1.3; failed to keep his client informed of the status the matter and comply promptly with reasonable requests for information, in violation of MRPC 1.4(a); and failed to refund the unearned portion of an advance fee, in violation of MRPC 1.16(d). The respondent was also found to have violated MCR 9.104(1)–(3).

In accordance with the stipulation of the parties, the panel ordered that the respondent be reprimanded with a condition relevant to the established misconduct. The

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respondent was also ordered to pay restitution. Costs were assessed in the amount of \$779.59.

Reprimand (By Consent)

Joseph S. Hughes, P52832, Berrien Springs, by the Attorney Discipline Board, Berrien County Hearing Panel #1, effective July 28, 2018.

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 acts of professional misconduct as the result of his improper use of an IOLTA account. An overdraft of the IOLTA account occurred when the respondent deposited money constituting costs (filing fees) not yet incurred into his operating account rather than his IOLTA account.

Based on the respondent's admissions and the stipulation of the parties, the panel found that the respondent failed to deposit all client or third-person funds in an IOLTA or non-IOLTA and failed to hold property of his clients or third persons separate from his own, in violation of MRPC 1.15(d). The respondent was also found to have violated MCR 9.104(2)-(4); and MRPC 8.4(a).

In accordance with the stipulation of the parties, the panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$852.62.

Reprimand With Conditions (By Consent)

Jacob Thie Zeilstra, P75543, Grand Rapids, by the Attorney Discipline Board, Kent County Hearing Panel #4, effective July 20, 2018.

The respondent and the grievance administrator filed a stipulation for a consent order of reprimand, 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 admis-

sion that he was convicted in a matter titled *People of the State of Michigan v Jacob Thie Zeilstra*, 17th Circuit Court Case No. 15-08915-FH, of the misdemeanors of attempting to flee a police officer 4th degree, in violation of MCL 257.602A2[A]; and assaulting/resisting/obstructing an officer (attempt), in violation of MCL 750.81D1[A]. Based on the respondent's conviction and his admission in the stipulation, the hearing panel found that the respondent engaged in conduct that violated a criminal law of a state or of the United States, an ordinance, or tribal law pursuant to MCR 2.615, contrary to MCR 9.104(5).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be reprimanded and that he be subject to conditions relevant to the established misconduct. Costs were assessed in the amount of \$1,090.69.

Suspension

Jess E. Forrest, P68439, New Buffalo, by the Attorney Discipline Board, for one year, effective July 3, 2018.

In a reciprocal discipline proceeding under MCR 9.120(C), the grievance administrator filed a certified copy of an order of the Supreme Court of Illinois suspending the respondent's license to practice law in Illinois for one year, entered by the Supreme Court of Illinois on January 12, 2018, *In RE: Jess Evan Forrest*, M.R. 029053.

An order regarding imposition of reciprocal discipline was served on the respondent on May 2, 2018. The 21-day period referenced in MCR 9.120(C)(2)(b) expired without objection by either party and the respondent was deemed to be in default. Based on that default, the Attorney Discipline Board ordered that the respondent's license to practice law in Michigan be suspended for one year. Costs were assessed in the amount of \$1,517.83.

Suspension and Restitution

Carolyn J. Jackson, P53018, Southfield, by the Attorney Discipline Board, Tri-County Hearing Panel #66, for 180 days, effective May 17, 2018.

After proceedings in accordance with MCR 9.115, the hearing panel found that the respondent committed professional misconduct in her handling of her client's mother's estate; failing to notify a client of her suspension from the practice of law; failing to withdraw from a matter or otherwise notify

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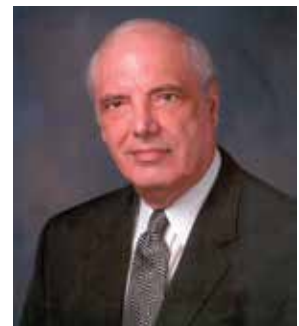
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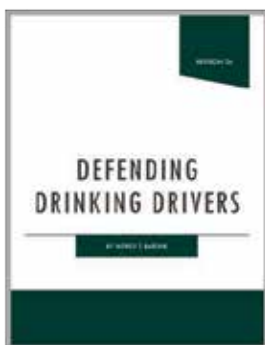
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the court that she was disqualified from representing a client on a motion; maintaining a website and telephone recording through which she continued to hold herself out to the public as an attorney during the period of her suspension from the practice of law; making materially false statements in affidavits filed with the Board; failing to answer requests for investigation; and failing to appear pursuant to subpoenas.

The panel found that the respondent neglected a legal matter entrusted to her, in violation of MRPC 1.1(c); failed to seek the lawful objectives of a client, 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 keep a client reasonably informed about the status of a matter and failing to comply promptly with reasonable requests for information, in violation of MRPC 1.4(a); failed to hold client property separate from her own property, in violation of MRPC 1.15(d); failed to deposit legal fees and expenses paid in advance into a client trust account, in violation of MRPC 1.15(g); failed to refund the unearned portion of an advance fee, in violation of MRPC 1.16(d); failed to surrender papers and property to which the client was entitled, in violation of MRPC 1.16(d); knowingly failed to respond to a lawful demand for information from a disciplinary authority, in violation of MRPC 8.1(a)(2); failed to answer a request for investigation within 21 days, in violation of MCR 9.113(A) and (B)(2) and MCR 9.104(7); failed to notify all active clients of her suspension in writing by registered or certified mail, in violation of MCR 9.119(A); failed to file with the tribunal and all parties a notice of her disqualification from the practice of law, in a matter in which she represented a client in litigation, in violation of MCR 9.119(B); held herself out as an attorney, in violation of MCR 9.119(E)(4); and filed an affidavit of compliance which contained a materially false statement, in violation of MCR 9.123(A). The respondent was also found to have violated MCR 9.104(1)–(3); and MRPC 8.4(b).

The panel ordered that the respondent's license to practice law be suspended 180 days and that she be required to pay restitution in the amount of \$200. The respondent filed a timely petition for review and

petition for a stay of discipline. The Board denied the respondent's request for stay on May 25, 2018. The respondent failed to file a brief in support of her petition for review and the Board issued an order dismissing her petition on June 14, 2018.

Automatic Interim Suspension

Robert A. Gross, P51411, Southfield, effective June 26, 2018.

On June 26, 2018, the respondent was convicted of wire fraud, a felony, in violation of 18 USC 1343, in the matter of *United States of America v Robert A. Gross*, United States District Court, Eastern District of Michigan Case No. 0645 2:17-cr-20790. In accordance with MCR 9.120(B)(1), the respondent's license to practice law in Michi-

gan was automatically suspended on the date of his felony conviction.

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.

Interim Suspensions Pursuant to MCR 9.115(H)(1)

Marianne E. Lebeuf, P41897, Battle Creek, by the Attorney Discipline Board, Calhoun County Hearing Panel #1, effective July 27, 2018.

The respondent failed to appear at the July 13, 2018 hearing. On July 20, 2018, the hearing panel, in accordance with MCR

9.115(H)(1), issued an order of suspension effective July 27, 2018, and until further order of the panel or the Board.

Matthew Nicholls, P74461, Davison, by the Attorney Discipline Board, Genesee County Hearing Panel #3, effective July 6, 2018.

The respondent failed to appear at the June 18, 2018 hearing, and satisfactory proofs were entered into the record to indicate that the respondent possessed actual notice of the hearing. On June 29, 2018, the hearing panel, in accordance with MCR 9.115(H)(1), issued an order of suspension effective July 6, 2018, and until further order of the panel or the Board.



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