

Disbarment

Myles B. Hoffert, P15031, Farmington Hills, by the Attorney Discipline Board, Tri-County Hearing Panel #53, effective August 4, 2020.

Based on the evidence presented by the parties at the hearings held in this matter, the hearing panel found that the respondent committed professional misconduct in his representation of a client in property tax proceedings before the Michigan Tax

Tribunal, and specifically, the respondent's handling of funds received from taxing authorities as a result of the representation. The grievance administrator asserted and the panel found that the respondent received funds from the taxing authorities belonging to a client, deposited the funds into his IOLTA account, and depleted some of the funds to the point that a check written to the client was dishonored by the banking institution due to insufficient funds. The panel also found that the respondent inten-

tionally concealed the fact that he was in receipt of funds owed to the client and that he misused IOLTA account funds.

The panel found that the respondent failed to promptly notify a client or third person when funds or property in which a client or third person has an interest were received, in violation of MRPC 1.15(b)(1); failed to promptly pay or deliver funds that a client or third person was entitled to receive, in violation of MRPC 1.15(b)(3); and failed to safeguard property of clients or third persons in connection with a representation in an IOLTA or non-IOLTA account, in violation of MRPC 1.15(d). The respondent was also found to have violated MCR 9.104(1)–(3).

The panel ordered that the respondent be disbarred from the practice of law. Total costs were assessed in the amount of \$2,121.90.

Disbarment (By Consent)

Paul J. Nicoletti, P44419, Birmingham, by the Attorney Discipline Board, Tri-County Hearing Panel #25, effective May 7, 2019.¹

The respondent and the grievance administrator filed a Stipulation for Consent Order of Disbarment, which was approved by the Attorney Grievance Commission and accepted by the hearing panel. The stipulation contained the respondent's admission that he was convicted by jury verdict on May 7, 2019, of one count of bank fraud conspiracy, a felony, in violation of 18 USC 1349 and 18 USC 1344; and three counts of bank fraud aiding and abetting, felonies, in violation of 18 USC 1344 and 18 USC 2, in a matter titled *United States of America v Paul Nicoletti*, U.S. District Court for the Eastern District of Michigan, Case No. 2:15-cr-20382. In accordance with MCR 9.120(B)(1), the respondent's license to practice law in Michigan was automatically suspended effective May 7, 2019, the date of the respondent's felony convictions.

Based on the respondent's convictions and his admissions 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).

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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 \$1,164.59.

1. A jury returned its verdict of guilty on May 7, 2019, which resulted in the respondent's automatic suspension from the practice of law pursuant to MCR 9.120(B)(1). The parties and panel agreed that the final order of discipline would be effective on that date.

Reprimand With Conditions (By Consent)

Ronald J. Benore, P59712, Monroe, by the Attorney Discipline Board, Tri-County Hearing Panel #8, effective August 14, 2020.

The grievance administrator filed a Notice of Filing of a Judgment of Conviction in accordance with MCR 9.120(B)(3), stating that the respondent was convicted of operating while intoxicated, a misdemeanor, in violation of MCL 257.62561-A, and of weapons/firearms possession while under the influence, a misdemeanor, in violation of MCL 750.237, in a matter titled *State of Michigan v Ronald James Benore Jr.*, 1st District Court, Case No. 195793-SD. Contemporaneously with the filing of the Notice of Filing of a Judgment of Conviction, the parties submitted a Stipulation for Consent Order of Reprimand pursuant to MCR 9.115(F)(5), which contained the respondent's admission that he was convicted as set forth in the judgment of conviction.

After reviewing the parties' stipulation, the panel communicated its concerns in writing to the parties pursuant to MCR 9.115(F)(5)(c)(ii) and requested that the parties provide additional information. The parties submitted additional information to the hearing panel. On June 8, 2020, the panel notified the parties that it was considering rejecting the Stipulation for Consent Order of Reprimand, and the parties subsequently filed an Amended Stipulation for Consent Order of Reprimand With Conditions that the panel concluded was reasonable and consistent with the goals of these discipline proceedings.

Based on the respondent's conviction, admissions, and the parties' stipulation, the panel found that the respondent committed

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professional misconduct when he 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 subject to conditions relevant to the established misconduct. Costs were assessed in the amount of \$750.

Suspensions

Mark S. Papazian, P24110, Troy, by the Attorney Discipline Board, Tri-County Hearing Panel #79, for 90 days, effective July 24, 2020.

After proceedings in accordance with MCR 9.115 and based on the evidence presented by the parties at the hearings held in this matter, the hearing panel found that the respondent committed professional misconduct by preparing multiple estate plan instruments on behalf of the decedent through which the respondent and the respondent's children were to receive substantial gifts from the trust estate when neither the respondent nor his children were related to the donor.

The panel found that the respondent violated MRPC 1.8(c), which states that a lawyer shall not prepare an instrument giving the lawyer or a person related to the lawyer as a parent, child, sibling, or spouse any substantial gift from a client including a testamentary gift, except where the client is related to the donee. The panel also found that the respondent violated MCR 9.104(2) and (3).

The panel ordered that the respondent's license to practice law in Michigan be suspended for 90 days. Total costs were assessed in the amount of \$2,763.76.

Jeffrey R. Sharp, P53838, Troy, by the Attorney Discipline Board, Tri-County Hearing Panel #57, for 180 days, effective March 18, 2020.

The respondent appeared at the hearing but was in default for failing to file an answer to the formal complaint. Based on the respondent's default, the hearing panel found that he committed professional misconduct when he practiced law during a time while he was suspended from the practice of law for failing to pay his bar dues, failed to respond to phone calls from a cli-

ent, made false statements in response to a request for investigation, and failed to respond to a request for additional information from the grievance administrator.

The panel found that the respondent accepted and collected a new retainer or attorney fee after the date of a suspension under Rule 4 of the State Bar of Michigan, in violation of MCR 9.119(D); practiced law while suspended, in violation of MCR 9.119(E); knowingly made a false statement of material fact to a disciplinary authority, in violation of MRPC 8.1(a)(1); 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(3) and MRPC 8.4(b).

The panel ordered that the respondent's license to practice law be suspended for 30 days and that he be subject to a condition relevant to the established misconduct. The grievance administrator filed a timely petition for review, seeking an increase in the discipline imposed by the hearing panel. The Attorney Discipline Board conducted a virtual review proceeding via Zoom videoconferencing, in accordance with General Order ADB 2020-1 and MCR 9.118, on May 12, 2020, which included a review of the whole record before the panel, consideration of the administrator's brief, and the argument presented by counsel for the administrator. The respondent did not appear for the review proceedings before the Board. On June 30, 2020, an order increasing discipline from a 30-day suspension to a 180-day suspension and vacating the condition imposed by the panel was issued by the Board. Total costs were assessed in the amount of \$2,048.13.

Suspension With Conditions (By Consent)

Mark Hermiz, P76378, Troy, by the Attorney Discipline Board, Tri-County Hearing Panel #64, for 18 months, effective April 8, 2018.¹

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

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accepted by the hearing panel. The stipulation contained the respondent's admissions to the allegations that he committed acts of professional misconduct in relation to his representation of a client and the client's company after being retained to negotiate or file civil actions to collect unpaid medical bills owed to the client and the client's company.

Based on the respondent's admissions and the stipulation of the parties, the panel found that the respondent failed to obtain specific settlement authority from his client in each matter, in violation of MRPC 1.2(a); failed to keep a client reasonably informed about the status of a matter, in violation of MRPC 1.4(a); failed to explain each settlement to his client through its authorized representative, in violation of MRPC 1.4(b); failed to enter into a written contingent fee agreement, in violation of MRPC 1.5(c); failed to issue a disbursement sheet for each settlement, in violation of MRPC 1.5(c); failed to notify his client promptly when settlement checks were received, in violation of MRPC 1.15(b)(1); and, failed to hold client funds separate from his own funds, in violation of MRPC 1.15(d). The respondent was also found to have violated MRPC 8.4(a) and MCR 9.104(2), (3), and (4).

In accordance with the stipulation of the parties, the panel ordered that the respondent's license to practice law in Michigan be suspended for 18 months, effective retroactively to April 8, 2018, the date on which the respondent could have sought reinstatement from the suspension entered in *Grievance Administrator v Mark Hermiz*, 17-85-GA, as agreed to by the parties, and that he be subject to conditions relevant to the established misconduct. Costs were assessed in the amount of \$766.

1. The respondent has been continuously suspended from the practice of law in Michigan since October 11, 2017. See Notice of Suspension With Conditions [By Consent], *Grievance Administrator v Mark Hermiz*, 17-85-GA, issued October 5, 2017.

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