

State of Michigan
Attorney Discipline Board

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ATTORNEY DISCIPLINE BOARD
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**Grievance Administrator,
Michigan Attorney Grievance Commission,**

Petitioner,

Case No. 17-67-GA

v

Brian D. Figot, P33443,

Respondent.

Formal Complaint
(Parties and Jurisdiction)

1. Petitioner, Grievance Administrator, is authorized by MCR 9.109(B)(6) to prosecute this Formal Complaint by the Attorney Grievance Commission, which is the prosecutorial arm of the Supreme Court for the discharge of its constitutional responsibility to supervise and discipline Michigan attorneys.

2. As a licensed Michigan attorney, Respondent is subject to the jurisdiction of the Supreme Court and the Attorney Discipline Board as set forth in MCR 9.104.

3. Michigan attorneys have a duty to conduct themselves personally and professionally at all times in conformity with the standards imposed on members of the bar as a condition of the privilege to practice law.

4. Respondent is a Michigan attorney who was licensed in 1981 and who resides or had his last place of business in Oakland County.

Count One
(Factual Allegations)

5. At all times relevant to this Formal Complaint, Respondent was the Staff Executive Director at the Federal Bar Association – Eastern District of Michigan Chapter (hereinafter “FBA”).

6. During all relevant times, Respondent, as an FBA officer, had access and control to an FBA bank account, Account Number XXXXX3603 (“FBA’s account”).

7. Between July 2015 and September 2016, on multiple occasions and without or beyond the FBA’s consent or authorization, Respondent withdrew FBA funds from the organization’s checking account for unearned salary advances, inflated or nonexistent expenses, and unexplained cash withdrawals.

8. Respondent withdrew a total of \$8,499.98 from the FBA’s account in the form of an inflated bonus and three (3) payroll advances, without the consent or authorization of the FBA:

- a) In July 2015, the FBA approved a \$2,000 bonus for Respondent, however, on August 1, 2015, Respondent issued a \$2,500 check for that bonus from the FBA’s account, withdrawing \$500 more than he had authority to remove;
- b) On August 15, 2016, Respondent issued a check to himself from the FBA’s account for \$2,666.66 as an advance of his salary, without the consent or authority of the FBA;

- c) On September 1, 2016, Respondent issued a check to himself from the FBA's account for \$2,666.66 as an advance of his salary, without the consent or authority of the FBA; and,
- d) On September 19, 2016, Respondent issued a check to himself from the FBA's account for \$2,666.66 as an advance of his September salary, without the consent or authority of the FBA.

9. Respondent withdrew \$5,650.00 in inflated or nonexistent expenses and unsupported withdrawals from the FBA's account, without the consent or authorization of the FBA:

- a) On June 13, 2016, Respondent issued a \$250.00 check to himself from the FBA's account, with the check's memo line stating "Against outstanding expenses," without the consent or authority of the FBA;
- b) On September 14, 2016, Respondent issued a \$1,200.00 check to himself from the FBA's account, with the check's memo line stating "internet and storage subject to adjustment," without the consent or authority of the FBA;
- c) On September 15, 2016, Respondent withdrew \$1,100.00 in cash from the FBA's account, without the consent or authority of the FBA; and,

d) On September 21, 2016, Respondent withdrew \$3,100.00 in cash from the FBA's account, without the consent or authority of the FBA.

10. Respondent unlawfully converted \$1,020.00 in cash from the FBA Golf Outing, without the consent or authorization of the FBA.

11. The amount of FBA funds taken by Respondent totaled \$15,169.98.

12. On October 31, 2016, at the FBA's board meeting, Respondent confessed his actions to the FBA Board and admitted to taking \$14,419.98, which included \$7,999.98 over three advanced salary payments; \$1,020.00 in cash from the FBA's Golf Outing; \$1,200.00 for a nonexistent "internet and storage" expense; and \$4,200.00 from two unauthorized cash withdrawals.

(Grounds for Discipline)


13. By reason of the conduct described above in Count One of this Formal Complaint, Respondent has committed the following misconduct and is subject to discipline under MCR 9.104, as follows:

- a) Engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2);
- b) Engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3);
- c) Engaged in conduct that violates the standards or rules of professional conduct adopted by the Supreme Court in violation of MCR 9.104(4);

- d) Engaged in conduct that violates a criminal law of a state or of the United States, an ordinance, or tribal law in violation of MCR 9.104(5);
- e) Engaged in conduct involving dishonesty, fraud, deceit, misrepresentation, or violation of criminal law, where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b); and,
- f) Violated or attempted to violate the rules of professional conduct, knowingly assisted or induced another to do so, or did so through the acts of another, in violation of MRPC 8.4(a).

Wherefore, Respondent should be subjected to such discipline and conditions as may be warranted by the facts or circumstances of such misconduct, including full restitution to any party injured by Respondent's misconduct.

Dated: June 5, 2017



Alan M. Gershel, P29652
Grievance Administrator
Attorney Grievance Commission
535 Griswold, Suite 1700
Detroit, MI 48226
(313) 961-6585