

**STATE OF MICHIGAN**  
**IN THE SUPREME COURT**

**COMPLAINT AGAINST**

**Hon. Byron J. Konschuh**  
**40<sup>th</sup> Circuit Court**  
**255 Clay Street**  
**Lapeer, Michigan 48446**

---

**Docket No.**  
**Formal Complaint No. 100**

**REQUEST FOR APPOINTMENT OF MASTER**


Pursuant to MCR 9.210(B), the Michigan Judicial Tenure Commission (“Commission”) requests the appointment of a master based on the following:

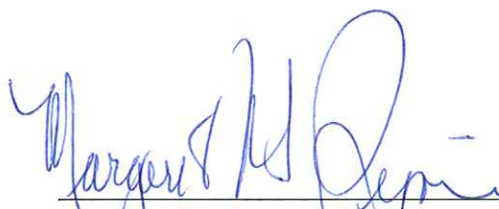
1. On February 6, 2019, the Commission filed Formal Complaint No. 100 against the Honorable Byron J. Konschuh, judge of the 40<sup>th</sup> Circuit Court, County of Lapeer, State of Michigan. A copy of the formal complaint is appended as Attachment 1.
2. The Commission has directed that the hearing on Formal Complaint 100 be held before a master appointed by the Supreme Court.

**WHEREFORE**, the Commission respectfully requests the Michigan Supreme Court appoint a master to conduct the hearing in this matter.

**JUDICIAL TENURE COMMISSION  
OF THE STATE OF MICHIGAN**

3034 W. Grand Boulevard, Suite 8-450  
Detroit, MI 48202

  
By: Lynn A. Helland (P32192)  
Examiner

  
Margaret N.S. Rynier (P34594)  
Co-Examiner

Dated: February 6, 2019

# ATTACHMENT 1

**STATE OF MICHIGAN  
IN THE SUPREME COURT**

**COMPLAINT AGAINST**

**Hon. Byron J. Konschuh  
40<sup>th</sup> Circuit Court  
255 Clay Street  
Lapeer, Michigan 48446**

**Docket No.  
Formal Complaint No. 100**

\_\_\_\_\_/

**FORMAL COMPLAINT**

The Michigan Judicial Tenure Commission (“Commission”) has authorized this complaint against Honorable Byron J. Konschuh (“respondent”), judge of the 40<sup>th</sup> Circuit Court, County of Lapeer, State of Michigan, and directed that it be filed. This action is taken pursuant to the authority of the Commission under Article 6, Section 30 of the Michigan Constitution of 1963, as amended, and MCR 9.200 *et seq.*

1. Respondent is a judge of the 40<sup>th</sup> Circuit Court, County of Lapeer, State of Michigan.
2. As a judge, respondent was and is subject to all the duties and responsibilities imposed on him by the Michigan Supreme Court, and is subject to the standards for discipline set forth in MCR 9.104 and 9.205.

3. Respondent was appointed to the bench of the 40<sup>th</sup> Circuit Court in Lapeer County, Michigan, on or about March 25, 2013.
4. Respondent was sworn in as a judge of the 40<sup>th</sup> Circuit Court in Lapeer County, State of Michigan, on April 8, 2013.
5. Respondent was admitted to the State Bar of Michigan in 1985.
6. As an attorney licensed by the State of Michigan, respondent was and still is subject to the standards of conduct applicable to an attorney under MCR 9.103(A) and the Michigan Court Rules of Professional Conduct (“MRPC”).
7. Pursuant to MCR 9.205(B)(2), the Commission has jurisdiction over respondent for conduct committed while respondent was a member of the State Bar of Michigan.

**COUNT I**  
**2016 CRIMINAL MISDEMEANOR CONVICTION**

8. Paragraphs 1 through and including 7, alleged above, are incorporated by reference as if fully stated herein.
9. On or about July 18, 2014, respondent was charged with five felony counts of embezzlement by a public official over \$50, in violation of MCL 750.175.
10. The charges were filed by Shiawassee County Prosecuting Attorney Deana M. Finnegan, acting as a special prosecutor assigned by the Michigan Office of the Attorney General.

11. *People v Konschuh* was filed in the 71-A District Court under case no. 14-1779-FY.
12. *People v Konschuh* commenced on or about September 24, 2014, before Shiawassee District Court Judge Terrance Dignan.
13. On or about October 15, 2014, respondent was bound over for trial, as charged, to Lapeer County Circuit Court under case no. 14-012016-FH.
14. *People v Konschuh* was assigned for trial to Genesee County Circuit Court Judge Geoffrey L. Neithercut.
15. The Genesee County Circuit Court case number assigned to *People v Konschuh* was 14-36353-FH.
16. On or about March 8, 2016, respondent stipulated to Special Prosecutor Finnegan filing an amended complaint/information in *People v Konschuh*.
17. The amended complaint/information included Count 6 - "Public Officer – Failure To Account For County Money," a misdemeanor, in violation of MCL 750.485.
18. Count 6 of the amended complaint/information alleged that respondent:  
  
...being a person holding public office for the County of Lapeer, who received money belonging to the County, failed to keep an accurate and perfect account of all such money, by whom paid and for what purposes as directed by the County Board of Commissioners; contrary to MCL 750.485. MISDEMEANOR: 90 days and/or \$500.

19. On or about March 8, 2016, respondent signed and executed:
  - a. “Plea Agreement/Sentence Agreement” which specified that respondent was pleading nolo contendere to Count 6 of the complaint/information, to wit, “Public Officer – Failure to Account for County Money” in violation of MCL 750.485.
  - b. “Advice of Rights” plea form which advised respondent of the rights he waived by entering a nolo contendere plea to Count 6 of the amended complaint/information.
  - c. “Advice of Rights/Plea Agreement – People’s Exhibit No. 1,” which specified in part that MCL 750.485 carried a maximum sentence of 90 days in jail/prison.
  - d. “Stipulation and Agreement Between the Parties.”
20. The “Stipulation and Agreement Between the Parties” provided, in part, that during his tenure as the Lapeer County Prosecuting Attorney:
  - a. Between 2009 and 2013, respondent raised funds from a bad check diversion program called Bounce Back.
  - b. Between 2009 and 2013, respondent raised funds from the Law Enforcement Officers Regional Training Commission (“LEORTC”) program (teaching fees).

- c. The total amount of the funds raised by the bad check diversion program and the LEORTC program was approximately \$1,802.
  - d. Respondent deposited the funds raised from Bounce Back and the LEORTC into his personal checking accounts.
  - e. The funds respondent raised from the bad check diversion program and the LEORTC program could be interpreted as public monies that would require financial reporting.
21. On or about March 8, 2016, before the Hon. Geoffrey L. Neithercut, respondent pled nolo contendere to Count 6 of the amended complaint/information.
22. In exchange for respondent's nolo contendere plea to Count 6 of the amended complaint/information, i.e., failure to account for county money under MCL 750.485, Special Prosecutor Finnegan dismissed Counts 1 through 5 of the amended complaint/information, i.e., embezzlement by a public official over \$50, each count having been filed under MCL 750.175.
23. At the outset of the March 8, 2016, plea hearing, while respondent and his counsel were present, Special Prosecutor Finnegan stated in open court:

It's my understanding that, pursuant to the amended information that was filed with the court, that Judge Konschuh, Byron Konschuh, will be tendering a plea of no-contest to an added Count Six of the information, that's public officer failure to account for public money. Upon his plea to that charge we're asking that the court

delay sentence for a period that the court sees fit...and at the end of the delay period that count six charge, the misdemeanor charge, would be dismissed with prejudice upon successful completion of the terms of the delay which would include restitution.

24. At the March 8, 2016, plea hearing, Judge Neithercut advised respondent that the penalty for pleading to Count 6 “could involve a fine up to five-hundred dollars [and] jail time up to ninety days.”

25. In accepting respondent’s nolo contendere plea to violating MCL 750.485, Judge Neithercut relied on the transcripts of the September 24 and October 15, 2014, preliminary examination conducted in connection with Counts 1 through 5 of the amended complaint, i.e., “embezzlement by a public official/officer,” each filed under MCL 750.175.

26. At the March 8, 2016, plea hearing, after accepting respondent’s nolo contendere plea, Hon. Geoffrey M. Neithercut stated that he:

...accepts the plea and finds Mr. Kenschuh guilty of count six, failure to account for county money.

27. At the March 8, 2016, plea hearing, after accepting respondent’s nolo contendere plea to Count 6 of the amended complaint/information, Judge Neithercut stated:

I think in a case where there is a misdemeanor plea tendered at the circuit court level, a presentence investigation should be done so that the Court is fully informed of this man’s history. I know it’s impeccable,

but I think that's the protocol when a misdemeanor plea is taken at circuit court.

28. On or about March 31, 2016, as part of the sentence agreement, Judge Neithercut delayed the sentencing for 90 days, until July 1, 2016.
29. On or about July 1, 2016, *People v Konschuh*, Genesee case no. 14-036353-FH/Lapeer case no. 14-012016, was dismissed with prejudice.
30. On or about February 19, 2018, respondent filed a "Motion for Entry of Order *Nunc Pro Tunc*."
31. In the February 19, 2018, motion respondent represented that on March 8, 2016, he did not plead to a misdemeanor under MCL 750.485 in *People v Konschuh*, Genesee case no. 14-03653-FH/Lapeer case no. 14-012016-FH.
32. Respondent's representation in the February 19, 2018, motion was false and misleading.
33. In the February 19, 2018, motion respondent represented that on March 8, 2016, he entered a plea of nolo contendere "that there may be an interpretation of MCL 21.44 that supports the argument that [respondent] should have reported the collection of these funds to the State or other appropriate entity for accounting purposes."
34. Respondent's claim/representation in the February 19, 2018, motion was false and misleading.

35. In the February 19, 2018, motion respondent requested Judge Neithercut to enter an “Order Nunc Pro Tunc” to correct “a mistake which, if not corrected, falsely indicated that Byron J. Kenschuh pled to a crime, the misdemeanor known as MCL 750.485, which he clearly and objectively did not.”
36. Respondent’s representation that he did not plead to a crime was false and misleading.
37. On or about March 5, 2018, following a hearing, Judge Neithercut denied respondent’s Motion for Entry of Order Nunc Pro Tunc.

**COUNT II**  
**FINANCIAL IMPROPRIETIES – HARTLAND/TRANSMODUS**

38. Paragraphs 1 through and including 37, alleged above, are incorporated by reference as if fully stated herein.
39. From January of 2001 until April 8, 2013, respondent served as the Prosecuting Attorney for the County of Lapeer, State of Michigan.
40. As the Lapeer County Prosecuting Attorney respondent was a public officer/public official and the chief law enforcement officer for Lapeer County, State of Michigan.
41. As is detailed in this count and Counts III – V, below, during his tenure as Lapeer County Prosecuting Attorney respondent persistently obtained

money and benefits for himself, and obtained benefits for the staff of the prosecutor's office, to which, as he was well aware, he and the staff were not entitled. Respondent obtained some of that money and some of those benefits through false statements and misrepresentations. After respondent became a judge, when questioned under oath about obtaining that money and those benefits, respondent made numerous false statements to conceal his improprieties, as detailed in Count VIII, below.

42. During his tenure as the Lapeer County Prosecuting Attorney respondent did not open/create and did not direct anyone to open/create any savings/checking accounts for and/or in the name of the Lapeer County Prosecutor's Office ("LCPO").
43. During his tenure as the Lapeer County Prosecutor respondent did not establish and did not direct anyone else to establish at the LCPO a non-employee contributory "petty cash" account with a ledger showing the sources of the funds therein and all expenditures for which the funds were used.
44. During respondent's tenure as the Lapeer County Prosecutor, Lapeer County operated under an "Adopted Accounting Procedures" policy regarding "Grants, Contracts, and Agreements."

45. The “Adopted Accounting Procedures for Lapeer County” provided, in part:

All Grants, Contracts and Agreements involving the County, County Department, County Elected Official, Appointed Department Head or Employee of the County SHALL be reviewed and approved by the County Board of Commissioners. All Revenues or Reimbursements SHALL be deposited with the County Treasurers Office per the Cash Receipting Procedures within 24 hours of receipt. Cash receipts are all moneys which shall come into the hands of any office of the County or an employee or elected official of that office (including Cash, Check, Debit/Credit, Electronic Transfer and ACH), through the operation of County business or authority of that office.

(Emphasis in original)

46. The “Adopted Accounting Procedures for Lapeer County” policy included a “CONTRACT, AGREEMENT PROCEDURE” which provided, in relevant part, as follows:

- (7) Before ANY Contract/Agreement is entered into, the department SHALL prepare and submit the contract to the Prosecuting Attorney for review.
- (8) After review by the Prosecuting attorney, the department SHALL prepare and submit a “Request for Action” form to the Board of Commissioners requesting authorization to enter into a Contract/Agreement.
- (9) The Board of Commissioners will review the Contract/Agreement and the Prosecuting Attorney’s recommendations and make a determination as to whether the County should enter into the Contract/Agreement.

(10) If Contract/Agreement is authorized by the Board of Commissioner (sic), the department SHALL obtain the required signature (Board Chairman and Contractor Representative) and present copies to the Administration Office and the County Clerk.

(11) Any Revenues or Reimbursements from the Contract/Agreement SHALL be deposited with the County Treasurer's Office per the Cash Receipting Procedures with (sic) 24 hours of receipt.

47. The Lapeer County "Cash Receipts" policy also provided, in part, that:

All cash receipts SHALL be deposited with the County Treasurers Office by 5:00 pm of every Monday through Friday (except Holidays). Cash receipts are all moneys which shall come into the hands of any office of the County or an employee or elected official of that office (including Cash, Check, Debit/Credit, Electronic Transfer and ACH), through the operation of County Business or authority of that office.

48. During respondent's tenure as the Lapeer County Prosecutor various Lapeer County departments, administrators, and/or the Board of Commissioners submitted contracts to respondent for his review of compliance with county policies, county exposure to any liability, and any expenditure of taxpayer money. Respondent's review of these contracts gave him familiarity with the Lapeer County contract policy.

49. Prior to December 2009 the LCPO utilized the services of Hartland Payment Systems/Transmodus ("Transmodus"), a check collection company, to obtain the dishonored funds for some of the LCPO's bad check cases.

50. Respondent entered into a verbal agreement and/or contract with Transmodus in his capacity as the Lapeer County Prosecuting Attorney.
51. Prior to or at the time of entering into the agreement/contract with Transmodus, respondent did not comply with the “Adopted Accounting Procedures for Lapeer County” in that:
- a. Respondent failed to prepare and submit a “Request for Action” form to the Lapeer County Board of Commissioners requesting authorization to enter into a contract/agreement with Transmodus;
  - b. Respondent failed to obtain the required signature (Board Chairman and Contractor Representative) and/or to present copies to the Administration Office and the County Clerk;
  - c. Respondent failed to deposit any revenues or reimbursements from the contract/agreement with Transmodus with the County Treasurer’s Office per the Cash Receipting Procedures.
52. Prior to entering into and during the pendency of the agreement/contract with Transmodus respondent failed to notify any county officials/departments about the Transmodus agreement and/or contract, including:
- a. Lapeer County Controller/Administrator John Biscoe;
  - b. Lapeer County Treasurer’s Office;

- c. Lapeer County Finance Department;
  - d. Lapeer County Board of Commissioners.
53. The agreement/contract between the LCPO and Transmodus was in effect in 2008/2009.
  54. Under the Transmodus agreement/contract, the LCPO referred select bad check cases to Transmodus for collection before issuing criminal charges.
  55. In the cases received from the LCPO, Transmodus added a \$35 collection fee to the face amount of each check.
  56. On or about October 15, 2008, Cherri Ohenley issued check number 2278 in the amount of \$25.28, drawn on account no. 12079944, to the Past Tense County Store in Lapeer, Michigan.
  57. Ms. Ohenley's check no. 2278 was dishonored for non-sufficient funds.
  58. Collection on Cherri Ohenley's bad check no. 2278 was handled by Transmodus.
  59. In addition to the \$25.28 face amount of check no. 2278, Transmodus added a \$35 collection fee.
  60. On or about January 31, 2009, the LCPO received from Ms. Ohenley a Western Union Money Order no. 09-021376243, dated January 31, 2009, in the amount of \$60.28.

61. The LCPO accepted the Western Union Money Order no. 09-021376243 as payment in full in the case involving check no. 2278.
62. Respondent took possession of Ms. Ohenley's Western Union Money Order no. 09-021376243.
63. Respondent failed to forward Ms. Ohenley's money order no. 09-021376243 to the Lapeer County Treasurer's Office.
64. On or about May 14, 2009, respondent cashed and deposited Ms. Ohenley's money order no. 09-021376243 into his personal Lapeer County Bank & Trust ("LCBT") checking account no. 14069857.
65. From 2009 through and including 2013, respondent and his wife, Lorraine Konschuh, were the sole account holders of the LCBT account no. 14069857.
66. Ms. Ohenley's money order was not respondent's personal property and he had no right to deposit it into his personal account.
67. On or about May 15, 2009, respondent submitted or caused the submission of a deposit advice form forwarding \$45.28 of the \$60.28 from Ms. Ohenley's money order to the Lapeer County Treasurer's Office for deposit into account no. 701-000-271-003.

68. In 2008-2009 account no. 701-000-271-003 was a holding account set up by Lapeer County for the payment of restitution to crime victims in criminal cases generated by the prosecutor's office.
69. The May 15, 2009, deposit advice designated the \$45.28 as restitution for the Past Tense Country Store, the complainant/victim in the Ohenley bad check case.
70. On or about May 15, 2009, respondent signed and forwarded, or caused to be forwarded, to the Lapeer County Finance Department an invoice voucher requesting the payment of \$45.28 in restitution to the Past Tense Country Store in Lapeer County, Michigan.
71. Respondent failed to forward the remaining \$15 from the Ohenley money order no. 09-021376243 to the Lapeer County Treasurer's Office.
72. Respondent did not submit, or direct the submission of, any invoice vouchers requesting the Lapeer County Finance Department to forward the \$35 collection fee, or any part thereof, to Transmodus.

**COUNT III**  
**FINANCIAL IMPROPRIETIES - BOUNCE BACK**

73. Paragraphs 1 through and including 72, alleged above, are incorporated by reference as if fully stated herein.

74. On or about December 31, 2008, respondent signed and entered into an agreement/contract with Bounce Back, Inc. ("Bounce Back") in his capacity as the Lapeer County Prosecuting Attorney.
75. Bounce Back replaced Transmodus as the collector of bad checks.
76. Prior to entering into the agreement/contract with Bounce Back, respondent:
  - a. Did not prepare and/or submit a "Request for Action" form regarding the Bounce Back contract to the Lapeer County Board of Commissioners.
  - b. Did not obtain permission and/or approval from Lapeer County Board of Commissioners to enter into a contract with Bounce Back.
  - c. Did not obtain permission and/or approval from Lapeer County Controller/Administrator John Biscoe to enter into the contract with Bounce Back.
77. The agreement/contract with Bounce Back became effective on or about January 1, 2009, and continued through at least April 8, 2013.
78. Between 2008 and April of 2013, respondent:
  - a. Did not inform the Lapeer County Board of Commissioners of the contract between Bounce Back and the LCPO.
  - b. Did not inform County Controller/Administrator John Biscoe of the contract between Bounce Back and the LCPO.

79. Under the terms of the contract/agreement with Bounce Back the check enforcement program was to be known as the "Lapeer County Bad Check Enforcement Program."
80. Under the terms of the contract with Bounce Back:
- a. "Selected Offenders" were referred to Bounce Back for collection.
  - b. Bounce Back added a \$40 "processing fee" to the face amount of each check referred for collection.
  - c. Bounce Back paid the LCPO \$5 from each "processing fee" they received.
81. Between 2009 and April of 2013 the LCPO received approximately \$1022 from Bounce Back, through approximately 43 checks, for the bad check cases referred to Bounce Back.
82. Each check from Bounce Back, representing various aggregate sums of the fee paid to the LCPO, was made payable to "Lapeer County Prosecuting Attorney's Office" or "Prosecuting Attorney's Office."
83. The checks the LCPO received from Bounce Back were not respondent's personal property and he had no right to deposit them into his personal accounts.

84. Between 2009 and April of 2013 respondent:

- a. Did not notify/advise/inform the Lapeer County Board of Commissioners that the LCPO was being paid a fee for every bad check case referred to Bounce Back upon which Bounce Back collected.
- b. Did not notify/advise/inform County Controller/Administrator John Biscoe that the LCPO was being paid a fee for every bad check case referred to Bounce Back upon which Bounce Back collected.
- c. Did not notify/advise/inform the Lapeer County Treasurer's Office that the LPCO was being paid a fee for every bad check case referred to Bounce Back upon which Bounce Back collected.

85. Between January 1, 2009, and April 8, 2013, respondent:

- a. Did not forward, nor direct anyone else to forward, to the Lapeer County Treasurer's Office any of the checks/funds the LCPO received from Bounce Back.
- b. Did not make and maintain, nor direct anyone else to make and maintain, a copy of each check received by the LCPO from Bounce Back.
- c. Directed the office managers, Cathy Strong and Leigh Hauxwell, to deliver to respondent each of the checks received by the LCPO from Bounce Back.

86. Between 2008 and April 8, 2013, respondent took possession of each check the LCPO received from Bounce Back.
87. Between 2008 and April 8, 2013, respondent did not:
- a. Open/establish a savings/checking account in the name of the LCPO at any banking institution for the checks/funds the LCPO received from Bounce Back.
  - b. Did not request the Lapeer County Board of Commissioners, the Treasurer's Office, or the Finance Department to create/set up a special line item account for the funds the LCPO received from Bounce Back.
  - c. Did not maintain any accounting/bookkeeping records of the following information:
    1. The date, number, and amount of each check the LCPO received from Bounce Back.
    2. The date each check from Bounce Back was cashed/deposited.
    3. The banking institution that cashed/deposited each of the checks from Bounce Back.
    4. The number of the account the funds from each check were deposited into.
    5. Any items and/or services each Bounce Back fee was used to purchase, pay for, or reimburse.

1. Check No. 20633

- 88. On or about September 25, 2009, the LCPO received from Bounce Back check no. 20633 in the amount of \$60.
- 89. The funds in check no. 20633 represented some of the fees Bounce Back collected from bad check cases referred to Bounce Back for collection.
- 90. Check no. 20633 was made payable to the "Lapeer County Prosecuting Attorney's."
- 91. Respondent did not forward check no. 20633 or the funds therefrom to the Lapeer County Treasurer's Office.
- 92. On or about October 8, 2009, respondent wrote "for deposit only" on the back of check no. 20633 and deposited it into his personal Lapeer County Bank & Trust checking account no. 14069857.
- 93. Respondent did not make and keep a copy and/or any record of check no. 20633 before cashing and depositing it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

2. Check No. 20705

- 94. On or about October 28, 2009, the LCPO received from Bounce Back check no. 20705 in the amount of \$25.
- 95. The funds in check no. 20705 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.

96. Check no. 20705 was made payable to the “Lapeer County Prosecuting Attorney’s.”
97. Respondent did not forward check no. 20705 or the funds therefrom to the Lapeer County Treasurer’s Office.
98. On or about November 4, 2009, respondent wrote “for deposit only” on the back of check no. 20705 and deposited it into his and his wife’s personal Lapeer County Bank & Trust checking account no. 14069857.
99. Respondent did not make and keep a copy of check no. 20705 before cashing and depositing it into his and his wife’s personal Lapeer County Bank and Trust checking account no. 14069857.

### 3. Check No. 20810

100. On or about November 19, 2009, the LCPO received from Bounce Back check no. 20810 in the amount of \$23.19.
101. The funds in check no. 20810 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
102. Check no. 20810 was made payable to the “Prosecuting Attorney’s Office.”
103. Respondent did not forward check no. 20810 or the funds therefrom to the Lapeer County Treasurer’s Office.

104. In November of 2009 respondent gave check no. 20810 to Assistant Prosecuting Attorney (“APA”) Matt Funke to pay for a portion of a food and beverage bill at Abruzzo’s Piano & Grill restaurant.
105. Respondent did not make and keep a copy of check no 20705 prior to giving it to APA Matt Funke.

#### 4. Check No. 20926

106. On or about December 13, 2009, the LCPO received from Bounce Back check no. 20926 in the amount of \$32.82.
107. On or about December 13, 2009, APA Steve Beatty personally delivered check no. 20926 to respondent.
108. The funds in check no. 20926 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
109. Check no. 20926 was made payable to the “Prosecuting Attorney’s Office.”
110. Respondent did not forward check no. 20926 or the funds therefrom to the Lapeer County Treasurer’s Office.
111. On or about January 19, 2010, respondent deposited the funds from check no. 20926 into his and his wife’s personal Lapeer County Bank & Trust checking account no. 14069857.

112. Respondent did not make and keep a copy of check no. 20926 before cashing and depositing it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

5. Check No. 21031

113. On or about January 25, 2010, the LCPO received from Bounce Back check no. 21031 in the amount of \$43.99.

114. The funds in check no. 21031 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.

115. Check no. 21031 was made payable to the "Prosecuting Attorney's Office."

116. Respondent did not forward check no. 21031 or the funds therefrom to the Lapeer County Treasurer's Office.

117. On or about February 16, 2010, respondent wrote "for deposit only" on the back of check no. 21031 and deposited it into his personal Chase Bank checking account no. 1602145615.

118. Respondent did not make and keep a copy of check no. 21031 before cashing and depositing it in his personal Chase Bank checking account no. 1602145615.

119. On or about February 16, 2010, respondent and his wife Lorraine Konschuh were the sole joint account holders of Chase Bank checking account no. 1602145615.

6. Check No. 21149

- 120. On or about February 17, 2010, the LCPO received from Bounce Back check no. 21149 in the amount of \$15.
- 121. The funds in check no. 21149 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
- 122. Check no. 21149 was made payable to "Prosecuting Attorney's Office."
- 123. Respondent did not forward check no. 21149 or the funds therefrom to the Lapeer County Treasurer's Office.
- 124. On or about March 10, 2010, respondent wrote "Byron Konschuh Prosecuting Attorney" and his initials on the back of check no. 21149 and deposited it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.
- 125. Respondent did not make and keep a copy of check no. 21149 before cashing and depositing it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

7. Check No. 21256

- 126. On or about March 11, 2010, the LCPO received from Bounce Back check no. 21256 in the amount of \$55.14.
- 127. The funds in check no. 21256 represented some of the fees Bounce Back had collected from bad check cases referred by the LCPO.

- 128. Check no. 21256 was made payable to the "Prosecuting Attorney's Office."
- 129. Respondent did not forward check no. 21256 or the funds therefrom to the Lapeer County Treasurer's Office.
- 130. On or about March 25, 2010, respondent wrote "for deposit only" on the back of check no. 21256 and deposited it into his and his wife's personal Lapeer County Bank and Trust checking account no. 14069857.
- 131. Respondent did not make and keep a copy of check no. 21256 before cashing and depositing it into his and his wife's personal Lapeer County Bank and Trust checking account no. 14069857.

8. Check No. 21359

- 132. On or about April 8, 2010, the LCPO received from Bounce Back check no. 21359 in the amount of \$20.
- 133. The funds in check no. 21359 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
- 134. Check no. 21359 was made payable to "Prosecuting Attorney's Office."
- 135. Respondent did not forward check no. 21359 or the funds therefrom to the Lapeer County Treasurer's Office.
- 136. On or about April 27, 2010, respondent wrote "for deposit only" on the back of check no 21359 and deposited it into his and his wife's personal Lapeer County Bank and Trust checking account no. 14069857.

137. Respondent did not make and keep a copy of check no. 21359 before cashing and depositing it into his and his wife's personal Lapeer County Bank and Trust checking account no. 14069857.

9. Check No. 21470

138. On or about May 6, 2010, the LCPO received from Bounce Back check no. 21470 in the amount of \$30.

139. The funds in check no. 21470 represented some of the fees Bounce Back had collected from bad check cases referred by the LCPO.

140. Check no. 21470 was made payable to "Prosecuting Attorney's Office."

141. Respondent did not forward check no. 21470 or the funds therefrom to the Lapeer County Treasurer's Office.

142. On or about May 13, 2010, respondent deposited check no. 21470 in his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

143. Respondent did not make and keep a copy of check no. 21470 before cashing and depositing it in his and his wife's personal Lapeer County Bank and Trust checking account no. 14069857.

10. Check No. 21588

144. On or about June 3, 2010, the LCPO received from Bounce Back check no. 21588 in the amount of \$10.

145. The funds in check no. 21588 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
146. Check no. 21588 was made payable to "Prosecuting Attorney's Office."
147. Respondent did not forward check no. 21588 or the funds therefrom to the Lapeer County Treasurer's Office.
148. On or about June 28, 2010, respondent deposited check no. 21588 into Independent Bank account no. 73671992.
149. Respondent did not make and keep a copy of check no. 21588 prior to cashing and depositing it into Independent Bank account no. 73671992.
150. On or about June 28, 2010, respondent's son, Colin Konschuh, was the only account holder of Independent Bank account no. 73671992, with the sole right to withdraw funds from the account.

11. Check No. 21700

151. On or about July 14, 2010, the LCPO received from Bounce Back check no. 21700 in the amount of \$20.
152. The funds in check no. 21700 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
153. Check no. 21700 was made payable to "Prosecuting Attorney's Office."
154. Respondent did not forward check no. 21700 or the funds therefrom to the Lapeer County Treasurer's Office.

155. On or about July 20, 2010, respondent cashed and deposited check no. 21700 into his personal PNC bank account no. 42-3-228-8064.
156. Respondent did not make and keep a copy of check no. 21700 before cashing and depositing it into his personal PNC bank account no. 42-3-228-8064.
157. On or about July 20, 2010, respondent, his wife Lorraine Konschuh, and his son Ethan Konschuh, were the account holders of PNC Bank account no. 42-3-228-8064.

12. Check No. 21783

158. On or about August 12, 2010, the LCPO received from Bounce Back check no. 21783 in the amount of \$15.
159. The funds in check no. 21783 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
160. Check no. 21783 was made payable to "Prosecuting Attorney's Office."
161. Respondent did not forward check no. 21783 or the funds therefrom to the Lapeer County Treasurer's Office.
162. On or about September 23, 2010, respondent wrote "for deposit only" on the back of check no. 21783 and deposited it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

163. Respondent did not make and keep a copy of check no. 21783 before cashing and depositing it in his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

13. Check No. 21883

164. On or about September 10, 2010, the LCPO received from Bounce Back check no. 21883 in the amount of \$42.62.

165. The funds in check no. 21883 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.

166. Check no. 21883 was made payable to "Prosecuting Attorney's Office."

167. Respondent did not forward check no. 21883 or the funds therefrom to the Lapeer County Treasurer's Office.

168. On or about September 23, 2010, respondent wrote "for deposit only" on the back of check no. 21883 and deposited it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

169. Respondent did not make and keep a copy of check no. 21883 before cashing and depositing it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

14. Check No. 21999

170. On or about October 13, 2010, the LCPO received from Bounce Back check no. 21999 in the amount of \$7.38.

171. The funds in check no. 21999 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
172. Check no. 21999 was made payable to "Prosecuting Attorney's Office."
173. Respondent did not forward check no. 21999 or the funds therefrom to the Lapeer County Treasurer's Office.
174. On or about October 27, 2010, respondent wrote "for deposit only" and signed the back of check no. 21999 and deposited it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.
175. Respondent did not make and keep a copy of check no. 21999 before cashing and depositing it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

15. Check No. 22106

176. On or about November 3, 2010, the LCPO received from Bounce Back check no. 22106 in the amount of \$10.
177. The funds in check no. 22106 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
178. Check no. 22106 was made payable to "Prosecuting Attorney's Office."
179. Respondent did not forward check no. 22106 or the funds therefrom to the Lapeer County Treasurer's Office.

180. On or about November 10, 2010, respondent wrote “for deposit only” on the back of check no. 22106 and deposited it into his and his wife’s personal Chase Bank account no. 1602145615.
181. Respondent did not make and keep a copy of check no. 22106 before cashing and depositing it into his and his wife’s personal Chase Bank account no. 1602145615.

16. Check No. 22228

182. On or about December 9, 2010, the LCPO received from Bounce Back check no. 22228 in the amount of \$25.
183. The funds in check no. 22228 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
184. Check no. 22228 was made payable to “Prosecuting Attorney’s Office.”
185. Respondent did not forward check no. 22228 or the funds therefrom to the Lapeer County Treasurer’s Office.
186. On or about December 23, 2010, respondent wrote “for deposit only” on the back of check no. 22228 and deposited it into his and his wife’s personal Lapeer County Bank & Trust checking account no. 14069857.
187. Respondent did not make and keep a copy of check no. 22228 before cashing and depositing into his and his wife’s personal Lapeer County Bank & Trust checking account no. 14069857.

17. Check No. 22334

- 188. On or about January 18, 2011, the LCPO received from Bounce Back check no. 22334 in the amount of \$15.
- 189. The funds in check no. 22334 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
- 190. Check no. 22334 was made payable to "Prosecuting Attorney's Office."
- 191. Respondent did not forward check no. 22334 or the funds therefrom to the Lapeer County Treasurer's Office.
- 192. On or about February 3, 2011, respondent deposited check no. 22334 into his personal Chase Bank account no. 1602145615.
- 193. Respondent did not make and keep a copy of check no. 22334 before cashing and depositing it into his personal Chase Bank account no. 1602145615.
- 194. On or about February 3, 2011, respondent and his wife Lorraine Konschuh were the joint account holders of Chase Bank account no. 1602145615.

18. Check No. 22452

- 195. On or about February 23, 2011, the LCPO received from Bounce Back check no. 22452 in the amount of \$15.
- 196. The funds in check no. 22452 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.

197. Check no. 22452 was made payable to "Prosecuting Attorney's Office."
198. Respondent did not forward check no. 22452 or the funds therefrom to the Lapeer County Treasurer's Office.
199. On or about March 16, 2011, respondent wrote "for deposit only" on the back of check no. 22452 and deposited it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.
200. Respondent did not make and keep a copy of check no. 22452 before cashing and depositing it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

19. Check No. 23533

201. On or about March 14, 2011, the LCPO received from Bounce Back check no. 23533 in the amount of \$5.
202. The funds in check no. 23533 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
203. Check no. 23533 was made payable to "Prosecuting Attorney's Office."
204. Respondent did not forward check no. 23533 or the funds therefrom to the Lapeer County Treasurer's Office.
205. On or about March 29, 2011, respondent wrote "for deposit only" on the back of check no. 23533 and deposited it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

206. Respondent did not make and keep a copy of check no. 23533 before cashing and depositing it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

20. Check No. 22601

207. On or about April 14, 2011, the LCPO received from Bounce Back check no. 22601 in the amount of \$20.

208. The funds in check no. 22601 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.

209. Check no. 22601 was made payable to "Prosecuting Attorney's Office."

210. Respondent did not forward check no. 22601 or the funds therefrom to the Lapeer County Treasurer's Office.

211. On or about April 21, 2011, respondent deposited check no. 22601 into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

212. Respondent did not make and keep a copy of check no. 22601 before cashing and depositing it in his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

21. Check No. 22700

213. On or about May 6, 2011, the LCPO received from Bounce Back check no. 22700 in the amount of \$33.86.

- 214. The funds in check no. 22700 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
- 215. Check no. 22700 was made payable to "Prosecuting Attorney's Office."
- 216. Respondent did not forward check no. 22700 or the funds therefrom to the Lapeer County Treasurer's Office.
- 217. On or about June 1, 2011, respondent wrote "for deposit only" on the back of check no. 22700 and deposited it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.
- 218. Respondent did not make and keep a copy of check no. 22700 before cashing and depositing it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

22. Check No. 22790

- 219. On or about June 2, 2011, the LCPO received from Bounce Back check no. 21790 in the amount of \$23.28.
- 220. The funds in check no. 21790 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
- 221. Check no. 21790 was made payable to "Prosecuting Attorney's Office."
- 222. Respondent did not forward check no. 21790 or the funds therefrom to the Lapeer County Treasurer's Office.

223. On or about June 27, 2011, respondent wrote “for deposit only” on the back of check no. 21790 and deposited it into his and his wife’s personal Lapeer County Bank & Trust checking account no. 14069857.
224. Respondent did not make and keep a copy of check no. 22790 before cashing and depositing it into his and his wife’s personal Lapeer County Bank & Trust checking account no. 14069857.

23. Check No. 22940

225. On or about August 8, 2011, the LCPO received from Bounce Back check no. 22940 in the amount of \$55.
226. The funds in check no. 22940 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
227. Check no. 22940 was made payable to “Prosecuting Attorney’s Office.”
228. Respondent did not forward check no. 22940 or the funds therefrom to the Lapeer County Treasurer’s Office.
229. On or about August 18, 2011, respondent deposited check no. 22940 into his and his wife’s personal Lapeer County Bank & Trust checking account no. 14069857.
230. Respondent did not make and keep a copy of check no. 22940 before cashing and depositing it into his and his wife’s personal Lapeer County Bank & Trust checking account no. 14069857.

24. Check No. 23042

- 231. On or about September 8, 2011, the LCPO received from Bounce Back check no. 23042 in the amount of \$20.
- 232. The funds in check no. 23042 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
- 233. Check no. 23042 was made payable to "Prosecuting Attorney's Office."
- 234. Respondent did not forward check no. 23042 or the funds therefrom to the Lapeer County Treasurer's Office.
- 235. On or about September 26, 2011, respondent wrote "for deposit only" on the back of check no. 23042 and deposited it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.
- 236. Respondent did not make and keep a copy of check no. 23042 before cashing and depositing it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

25. Check No. 23154

- 237. On or about October 6, 2011, the LCPO received from Bounce Back check no. 23154 in the amount of \$25.
- 238. The funds in check no. 23154 represented some of the fees Bounce Back collection from bad check cases referred by the LCPO.
- 239. Check no. 23154 was made payable to "Prosecuting Attorney's Office."

240. Respondent did not forward check no. 23154 or the funds therefrom to the Lapeer County Treasurer's Office.
241. On or about October 17, 2011, respondent deposited check no. 23154 into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.
242. Respondent did not make and keep a copy of check no. 23154 before cashing and depositing it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

26. Check No. 23259

243. On or about November 2, 2011, the LCPO received from Bounce Back check no. 23259 in the amount of \$25.
244. The funds in check no. 23259 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
245. Check no. 23259 was made payable to "Prosecuting Attorney's Office."
246. Respondent did not forward check no. 23259 or the funds therefrom to the Lapeer County Treasurer's Office.
247. On or about November 22, 2011, respondent wrote "for deposit only" on the back of check no. 23259 and deposited it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

248. Respondent did not make and keep a copy of check no. 23259 before cashing and depositing it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

27. Check No. 23391

249. On or about December 2, 2011, the LCPO received from Bounce Back check no. 23391 in the amount of \$27.30.

250. The funds in check no. 23391 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.

251. Check no. 23391 was made payable to "Prosecuting Attorney's Office."

252. Respondent did not forward check no. 23391 or the funds therefrom to the Lapeer County Treasurer's Office.

253. On or about December 16, 2011, respondent wrote "for deposit only" on the back of check no. 23391 and deposited it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

254. Respondent did not make and keep a copy of check no. 23391 before cashing and depositing it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

28. Check No. 23609

255. On or about January 23, 2012, the LCPO received from Bounce Back check no. 23609 in the amount of \$11.85.

- 256. The funds in check no. 23609 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
- 257. Check no. 23609 was made payable to "Prosecuting Attorney's Office."
- 258. Respondent did not forward check no. 23609 or the funds therefrom to the Lapeer County Treasurer's Office.
- 259. On or about February 1, 2012, respondent wrote "for deposit only" on the back of check no. 23609 and deposited it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.
- 260. Respondent did not make and keep a copy of check no. 23609 before cashing and depositing it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

29. Check No. 23681

- 261. On or about February 8, 2012, the LCPO received from Bounce Back check no. 23681 in the amount of \$25.85.
- 262. The funds in check no. 23681 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
- 263. Check no. 23681 was made payable to "Prosecuting Attorney's Office."
- 264. Respondent did not forward check no. 23681 or the funds therefrom to the Lapeer County Treasurer's Office.

265. On or about February 23, 2012, respondent wrote “for deposit only” on the back of check no. 23681 and deposited it into Lapeer County Bank & Trust checking account no. 14069857.
266. Respondent did not make and keep a copy of check no. 23681 before cashing and depositing it into his and his wife’s personal Lapeer County Bank & Trust checking account no. 14069857.

30. Check No. 23818

267. On or about March 8, 2012, the LCPO received from Bounce Back check no. 23818 in the amount of \$25.
268. The funds in check no. 23818 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
269. Check no. 23818 was made payable to “Prosecuting Attorney’s Office.”
270. Respondent did not forward check no. 23818 or the funds therefrom to the Lapeer County Treasurer’s Office.
271. On or about March 15, 2012, respondent wrote “for deposit only” on the back of check no. 23818 and deposited it into his and his wife’s personal Lapeer County Bank & Trust checking account no. 14069857.
272. Respondent did not make and keep a copy of check no. 23818 before cashing and deposited it into his and his wife’s personal Lapeer County Bank & Trust checking account no. 14069857.

31. Check No. 23915

- 273. On or about April 4, 2012, the LCPO received from Bounce Back check no. 23915 in the amount of \$20.
- 274. The funds in check no. 23915 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
- 275. Check no. 23915 was made payable to "Prosecuting Attorney's Office."
- 276. Respondent did not forward check no. 23915 or the funds therefrom to the Lapeer County Treasurer's Office.
- 277. On or about May 7, 2012, respondent wrote "for deposit only" on the back of check no. 23915 and deposited it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.
- 278. Respondent did not make and keep a copy of check no. 23915 before cashing and depositing it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

32. Check No. 24034

- 279. On or about May 3, 2012, the LCPO received from Bounce Back check no. 24034 in the amount of \$10.
- 280. The funds in check no. 24034 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
- 281. Check no. 24034 was made payable to "Prosecuting Attorney's Office."

282. Respondent did not forward check no. 24034 or the funds therefrom to the Lapeer County Treasurer's Office.
283. On or about May 25, 2012, respondent wrote "for deposit only" on the back of check no. 23154 and deposited it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.
284. Respondent did not make and keep a copy of check no. 23034 before cashing and depositing it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

33. Check No. 24138

285. On or about June 13, 2012, the LCPO received from Bounce Back check no. 24138 in the amount of \$25.
286. The funds in check no. 24138 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
287. Check no. 24138 was made payable to "Prosecuting Attorney's Office."
288. Respondent did not forward check no. 24138 or the funds therefrom to the Lapeer County Treasurer's Office.
289. On or about June 19, 2012, respondent wrote "for deposit only" on the back of check no. 24138 and deposited it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

290. Respondent did not make and keep a copy of check no. 24138 before cashing and depositing it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

34. Check No. 24237

291. On or about July 18, 2012, the LCPO received from Bounce Back check no. 24237 in the amount of \$20.

292. The funds in check no. 24237 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.

293. Check no. 24237 was made payable to "Prosecuting Attorney's Office."

294. Respondent did not forward check no. 24237 or the funds therefrom to the Lapeer County Treasurer's Office.

295. On or about July 31, 2012, respondent wrote "for deposit only" on the back of check no. 24237 and deposited it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

296. Respondent did not make and keep a copy of check no. 24237 before cashing and depositing it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

35. Check No. 24321

297. On or about August 7, 2012, the LCPO received from Bounce Back check no. 24321 in the amount of \$15.65.

298. The funds in check no. 24321 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
299. Check no. 24321 was made payable to "Prosecuting Attorney's Office."
300. Respondent did not forward check no. 24321 or the funds therefrom to the Lapeer County Treasurer's Office.
301. On or about August 15, 2012, respondent wrote "for deposit only" on the back of check no. 24321 and deposited it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.
302. Respondent did not make and keep a copy of check no. 24321 before cashing and depositing it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

36. Check No. 24434

303. On or about September 7, 2012, the LCPO received from Bounce Back check no. 24434 in the amount of \$9.98.
304. The funds in check no. 24434 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
305. Check no. 24434 was made payable to "Prosecuting Attorney's Office."
306. Respondent did not forward check no. 24434 or the funds therefrom to the Lapeer County Treasurer's Office.

307. On or about September 24, 2012, respondent wrote “for deposit only” on the back of check no. 24434 and deposited it into his personal Lapeer County Bank & Trust checking account no. 14069857.
308. Respondent did not make and keep a copy of check no. 24434 before cashing and depositing it into his and his wife’s personal Lapeer County Bank & Trust checking account no. 14069857.

37. Check No. 24546

309. On or about October 10, 2012, the LCPO received from Bounce Back check no. 24546 in the amount of \$35.
310. The funds in check no. 24546 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
311. Check no. 24546 was made payable to “Prosecuting Attorney’s Office.”
312. Respondent did not forward check no. 24546 or the funds therefrom to the Lapeer County Treasurer’s Office.
313. On or about October 29, 2012, respondent wrote “for deposit only” on the back of check no. 24546 and deposited it into his and his wife’s personal Lapeer County Bank & Trust checking account no. 14069857.
314. Respondent did not make and keep a copy of check no. 24546 before cashing and depositing it into his and his wife’s personal Lapeer County Bank & Trust checking account no. 14069857.

38. Check No. 24639

- 315. On or about November 7, 2012, the LCPO received from Bounce Back check no. 24639 in the amount of \$10.
- 316. The funds in check no. 24639 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
- 317. Check no. 24639 was made payable to "Prosecuting Attorney's Office."
- 318. Respondent did not forward check no. 24639 or the funds therefrom to the Lapeer County Treasurer's Office.
- 319. On or about November 20, 2012, respondent wrote "for deposit only" on the back of check no. 24639 and deposited it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.
- 320. Respondent did not make and keep a copy of check no. 24639 before cashing and depositing it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

39. Check No. 24773

- 321. On or about December 11, 2012, the LCPO received from Bounce Back check no. 24773 in the amount of \$5.
- 322. The funds in check no. 24773 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
- 323. Check no. 24773 was made payable to "Prosecuting Attorney's Office."

324. Respondent did not forward check no. 24773 or the funds therefrom to the Lapeer County Treasurer's Office.
325. On or about December 20, 2012, respondent wrote "for deposit only" on the back of check no. 24773 and deposited it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.
326. Respondent did not make and keep a copy of check no. 24773 before cashing and depositing it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

40. Check No. 24871

327. On or about January 2, 2013, the LCPO received from Bounce Back check no. 24871 in the amount of \$25.
328. The funds in check no. 24871 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
329. Check no. 24871 was made payable to "Prosecuting Attorney's Office."
330. Respondent did not forward check no. 24871 or the funds therefrom to the Lapeer County Treasurer's Office.
331. On or about January 17, 2013, respondent wrote "for deposit only" on the back of check no. 24871 and deposited it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

332. Respondent did not make and keep a copy of check no. 24871 before cashing and depositing it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

41. Check No. 24989

333. On or about February 19, 2013, the LCPO received from Bounce Back check no. 24989 in the amount of \$50.

334. The funds in check no. 24989 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.

335. Check no. 24989 was made payable to "Prosecuting Attorney's Office."

336. Respondent did not forward check no. 24989 or the funds therefrom to the Lapeer County Treasurer's Office.

337. On or about March 5, 2013, respondent wrote "for deposit only" on the back of check no. 24989 and deposited it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

338. Respondent did not make and keep a copy of check no. 23989 before cashing and depositing it into his and his wife's personal Lapeer County Bank & Trust checking account no. 14069857.

42. Check No. 5087

339. On or about March 6, 2013, the LCPO received from Bounce Back check no. 5087 in the amount of \$35.

340. The funds in check no. 5087 represented some of the fees Bounce Back collected from bad check cases referred by the LCPO.
341. Check no. 5087 was made payable to “Prosecuting Attorney’s Office.”
342. Respondent did not forward check no. 5087 or the funds therefrom to the Lapeer County Treasurer’s Office.
343. On or about April 2, 2013, respondent wrote “for deposit only” on the back of check no. 5087 and deposited it into his and his wife’s personal Lapeer County Bank & Trust checking account no. 14069857.
344. Respondent did not make and keep a copy of check no. 5087 before cashing and depositing it into his and his wife’s personal Lapeer County Bank & Trust checking account no. 14069857.
345. Respondent cashed check no. 5087 after he was appointed to the bench of the 40th Circuit Court in Lapeer, Michigan.

**COUNT IV**  
**FINANCIAL IMPROPRIETIES**  
**LEORTC/CITY OF LAPEER FEES**

**A. LEORTC TEACHING FEES**

346. Paragraphs 1 through 345, alleged above, are incorporated by reference as if fully stated herein.

347. In September of 2011 and again in September of 2012, APA Cailin Wilson provided legal instruction at training sessions/seminars sponsored by the Law Enforcement Officers Regional Training Commission (“LEORTC”).
348. Respondent did not participate in the September 2011 or September 2012 training sessions/seminars.
349. APA Wilson provided the September 2011 and September 2012 legal instruction on a weekday between the hours of 8:30 am and 5:00 pm.
350. APA Wilson did not take vacation, sick, or compensatory time from her position at the LCPO to prepare and/or provide the legal instruction at the LEORTC training sessions/seminars in September of 2011 and September of 2012.
351. APA Wilson used the Lapeer County Prosecutor’s Office equipment and supplies, including but not limited to a laptop computer, copiers, legal pads, pens, and highlighters, to prepare for, and use during, the September 2011 and September 2012 LEORTC training sessions/seminars.
352. On or about October 11, 2012, APA Wilson submitted to Lapeer County, pursuant to respondent’s directive, a reimbursement voucher/request for the mileage expense she incurred in connection with the September, 2012, LEORTC Genesee County Corrections Academy.

353. On or about October 11, 2012, respondent signed/approved APA Wilson's reimbursement invoice voucher in the amount of \$65.10.
354. On or after October 11, 2012, Lapeer County issued a check, no. 269448, for \$65.10, made payable to APA Wilson as reimbursement for the mileage expense in connection with the September, 2012, LEORTC Genesee County Corrections Academy.
355. The LCPO received the following payments for APA Wilson's legal instruction at the LEORTC training sessions/seminars in September of 2011 and September of 2012:
- a. On or about October 13, 2011, the LCPO received from LEORTC check no. 14954 in the amount of \$300.
  - b. On or about October 5, 2012, the LCPO received from LEORTC check no. 15338 in the amount of \$480.
356. Check nos. 14954 and 15338 were made payable to the "Lapeer County Prosecutor's Office."
357. With respect to check nos. 14954 and 15338, respondent:
- a. Failed to forward either check to the Lapeer County Treasurer's Office.
  - b. Failed to request the Lapeer County Board of Commissioners, the Lapeer County Finance Department, or the Lapeer County Treasurer's Office to create/set up a special line item account for the funds from either check.

358. Respondent cashed and deposited the funds from check nos. 14954 and 15338 into his and his wife's personal checking/savings account no. 14069857 at the Lapeer County Bank & Trust.
359. Respondent did not report/declare the \$300 from check no. 14954 or \$480 from check no. 15338 as income on his personal state and/or federal tax returns.
360. Between 2001 and 2011, respondent cashed and deposited into his personal savings/checking accounts numerous other checks issued by the LEORTC for legal instruction provided by Ms. Wilson and/or other APAs at training sessions/seminars/legal updates. These included the following:
- a. Check no 9270 in the amount of \$200 for a training session/seminar/legal updates conducted in or about June 2001;
  - b. Check no. 9652 in the amount of \$400 for a training session/seminar/legal updates conducted in or about March 2002;
  - c. Check no. 9957 in the amount of \$200 for a training session/seminar/legal updates conducted in or about September 2002;
  - d. Check no. 10389 in the amount of \$400 for a training session/seminar/legal updates conducted in or about May 2003;
  - e. Check no. 10913 in the amount of \$400 for a training session/seminar/legal updates conducted in or about March 2004;
  - f. Check no. 11182 in the amount of \$400 for a training session/seminar/legal updates conducted in or about September 2004;
  - g. Check no. 11485 in the amount of \$400 for a training session/seminar/legal updates conducted in or about March 2005;

- h. Check no. 11923 in the amount of \$300 for a training session/seminar/legal updates conducted in or about March 2006;
  - i. Check no. 12089 in the amount of \$300 for a training session/seminar/legal updates conducted in or about September 2006;
  - j. Check no. 12435 in the amount of \$300 for a training session/seminar/legal updates conducted in or about September 2007;
  - k. Check no. 12700 in the amount of \$300 for a training session/seminar/legal updates conducted in or about March 2008;
  - l. Check no. 13454 in the amount of \$300 for a training session/seminar/legal updates conducted in or about March 2009;
  - m. Check no. 13756 in the amount of \$300 for a training session/seminar/legal updates conducted in or about September 2009;
  - n. Check no. 14275 in the amount of \$200 for a training session/seminar/legal updates conducted in or about July of 2010;
  - o. Check no. 14746 in the amount of \$350 for a training session/seminar/legal updates conducted in or about April 2011.
361. Each of the training sessions/seminars/legal updates listed in paragraph 360 above were held on a weekday between the hours of 8:00 am and 5:00 pm.
362. The LCPO APAs who conducted the training sessions/seminars/legal updates listed in paragraph 360 above did not take any vacation, sick, or compensatory time from their positions at the LCPO to prepare and/or provide the legal instruction.
363. With respect to checks from the training sessions/seminars/legal updates listed in paragraph 360:

- a. Respondent did not forward any of the above-listed checks or any of the funds therefrom to the Lapeer County Treasurer's Office.
  - b. Respondent did not give any of the proceeds from the above-listed checks to the APAs who conducted the training sessions/seminars/legal updates.
  - c. Respondent did not request the Lapeer County Board of Commissioners, the Lapeer County Finance Department or the Lapeer County Treasurer's Office to create/set up a special line item account within the LCPO budget for the funds from any of the above-listed checks.
364. With respect to the checks/funds listed in paragraph 360 respondent:
- a. Did not make and/or maintain copies and/or any other record of the checks the LCPO received from the City of Lapeer.
  - b. Did not maintain any records of the expenditures for which the funds from each of the City of Lapeer checks were used.
365. Respondent cashed and deposited into his personal savings/checking account checks issued by the LEORTC for legal instruction he, with other LCPO APAs, had provided prior to his tenure as the Lapeer County Prosecutor. These include the following:
- a. Check no. 8751 in the amount of \$200 for a training session/seminar/legal update conducted in October 2000.
  - b. Check no. 8870 in the amount of \$400 for a training session/seminar/legal update conducted in December 2000.
366. The training sessions/seminars/legal updates listed in paragraph 365 above were held on a weekday between the hours of 8:00 am and 5:00 pm.

367. The LCPO APAs, including respondent, who conducted the training sessions/seminars/legal updates listed in paragraph no. 365 above did not take any vacation, sick, or compensatory time from their positions at the LCPO to prepare and/or provide the legal instructions.
368. With respect to the training sessions/seminars listed in paragraph 365 above:
- a. Respondent did not forward any of the above-listed checks or any of the funds therefrom to the Lapeer County Treasurer's Office.
  - b. Respondent did not give any portion of the proceeds from the above-listed checks to the APAs who conducted/assisted in the training sessions/seminars/legal updates.
  - c. Respondent did not request the Lapeer County Board of Commissioners, the Lapeer County Finance Department or the Lapeer County Treasurer's Office to create/set up a special line item account within the LCPO budget for the funds from the checks listed in paragraph 364.
369. With respect to the checks/funds listed in paragraph 365 respondent:
- a. Did not make and/or maintain copies of the checks the LCPO received from the City of Lapeer.
  - b. Did not maintain any records of the expenditures for which the funds from each of the City of Lapeer checks were used.

#### **B. CITY OF LAPEER FEES**

370. Paragraphs 1 through 369, alleged above, are incorporated by reference as if fully stated herein.

371. Between 2001 and 2009 respondent cashed and deposited into his personal savings/checking account checks issued by the City of Lapeer to the LCPO for court appearances made by the LCPO APAs in district court on City of Lapeer criminal cases.
372. The court appearances by the LCPO APAs on City of Lapeer district court cases took place on weekdays between 8:30 am and 5:00 pm.
373. With respect to the checks/funds the LCPO received from the City of Lapeer for the LCPO APAs covering City of Lapeer criminal cases in district court, respondent:
- a. Did not forward any of the checks to the Lapeer County Treasurer's Office.
  - b. Did not notify Lapeer County Administrator John Biscoe, the Lapeer County Finance Department, the Lapeer County Treasurer's Office, or the Lapeer County Board of Commissioners that the LCPO was receiving funds for the LCPO APAs making court appearances on behalf and/or in place of the City of Lapeer city attorneys.
  - c. Did not request the Lapeer County Board of Commissioners, the County Administrator, the Treasurer's Office, or the Lapeer County Finance Department to create/set up a special line item account for the funds the LCPO was receiving from the City of Lapeer.
374. With respect to the checks/funds the LCPO received from the City of Lapeer for the LCPO APAs covering City of Lapeer criminal cases in district court, respondent:
- a. Did not make and/or maintain copies or any records of the checks the LCPO received from the City of Lapeer.

- b. Did not maintain any records of the expenditures for which the funds from each of the City of Lapeer checks were used.

**COUNT V**  
**IMPROPER REIMBURSEMENTS**

- 375. Paragraphs 1 through 374, alleged above, are incorporated by reference as if fully stated herein.
- 376. Beginning in 2012 respondent submitted improper and/or fraudulent voucher requests to the Lapeer County Finance Department.
- 377. Respondent's voucher requests sought reimbursement for items/events including, but not limited to:
  - a. Christmas luncheons for the LCPO staff.
  - b. Secretary Day/Administrative Assistant Day celebration luncheons for the LCPO staff.
  - c. Donuts provided as weekly refreshments to the LCPO staff.
- 378. The above-listed items were not subject to reimbursement under the Michigan Department of Treasury guidelines.

**A. Christmas Luncheon 2011**

- 379. On or about December 16, 2011, the LCPO staff attended a luncheon at the Blind Fish Restaurant in Lapeer, Michigan.

380. The bill/tab of the December 11, 2011, luncheon, which respondent covered with his personal credit card, was \$174.70, of which \$40 represented gratuity.
381. On or about December 20, 2011, respondent signed and submitted an “invoice voucher” to the Lapeer County Finance Department seeking reimbursement of \$125.25 for the 2011 LCPO staff luncheon.
382. Respondent’s voucher sought reimbursement for the LCPO staff Christmas luncheon from the Prosecuting Attorney General Fund account no. 101-229-815-000.
383. In his December 20, 2011, invoice voucher respondent represented that the \$125.25 expense was incurred during a “Legal Updates/Training Luncheon.”
384. The December 16, 2011, luncheon was a Christmas luncheon for the LCPO staff and not a legal update/training session.
385. Respondent’s representation in the December 20, 2011, invoice voucher was false and misleading.
386. Based on respondent’s false representation in the December 20, 2011, invoice voucher, Lapeer County issued a check made payable to respondent in the amount \$125.25.

**B. Secretary Day Luncheon, 2012**

387. On or about April 25, 2012, the LCPO staff attended a Secretary/Administrative Assistant luncheon at the Blind Fish restaurant in Lapeer, Michigan.
388. The cost of the April 25, 2012, Secretary/Administrative Assistant luncheon for the LCPO staff was \$217.21, of which approximately \$33 represented gratuity.
389. Respondent covered the bill/tab of the 2012 Secretary/Administrative Assistant luncheon with his personal credit card.
390. On or about April 25, 2012, respondent signed and submitted to the Lapeer Court Finance Department an invoice voucher seeking reimbursement of \$174.61 for the 2012 Secretary/Administrative Assistant luncheon from Prosecuting Attorney General Fund account no. 101-229-815-000.
391. In the April 25, 2012, invoice voucher respondent represented that the \$174.61 expense was incurred for a "Staff Development Luncheon."
392. The April 25, 2012, luncheon was the LCPO's celebration of Secretary/Administrative Assistant Day and not a staff development luncheon.
393. Respondent's representation in the April 25, 2012, invoice voucher was false and misleading.

394. Based on respondent's false representation in the April 25, 2012, invoice voucher Lapeer County issued a check made payable to respondent for \$174.61.

**C. Christmas Luncheon 2012**

395. During respondent's tenure as the Lapeer County Prosecuting Attorney, the LCPO served as the Lapeer County Corporation Counsel in a forfeiture matter regarding property located at 3780 Lake Lapeer Road, Metamora (Alba Township), Lapeer County, Michigan.

396. APA Steve Beatty represented the Lapeer County Treasurer's Office in the civil foreclosure matter involving the 3780 Lake Lapeer Road property.

397. APA Steve Beatty did not take any vacation, sick, or compensatory time from his position at the LCPO to represent the Lapeer County Treasurer's Office in the 3780 Lake Lapeer Road foreclosure case.

398. The forfeiture matter involving 3780 Lake Lapeer Road was resolved in or about July of 2012.

399. As part of the resolution, Corelogic Tax Services, LLC, a tax escrow company, agreed to pay \$105,000 to Lapeer County.

400. The \$105,000 was to be in two checks, one in the amount of \$5,000 and the other in the amount of \$100,000.

401. On or about August 7, 2012, the LCPO received from Corelogic Tax Services, LLC, check no 3000181215 drawn on First American Trust FSB in the amount of \$5000 as compensation for legal services provided by APA Steve Beatty.
402. On or about August 7, 2012, the LCPO received from Corelogic Tax Services check no. 3000181216, drawn on First American Trust FSB in the amount of \$100,000.
403. Check no. 3000181216 in the amount of \$100,000 represented "Tax Sale Repurchase" of the property located at 3780 Lake Lapeer Road, Metamora (Alba Township), Lapeer County, Michigan.
404. On or about September 18, 2012, respondent forwarded or caused the forwarding of check nos. 3000181215 and 3000181216 to the Lapeer County Treasurer's Office.
405. Pursuant to respondent's request, between September and November 2012 Lapeer County created a new special activities line-item account in the Lapeer County/LCPO budget.
406. The newly created account was identified as "Law Enforcement Corporation County Employee Training" account no. 267 162 657 010.

407. Funds from Corelogic Tax Services check no. 3000181215 in the amount of \$5,000 were deposited into “Law Enforcement Corporation County Employee Training” account no. 267 162 657 010.
408. The Law Enforcement Corporation County Employee Training account was to be used for expenses the LCPO incurred in training its APAs to handle future civil matters on behalf of the Treasurer’s Office.
409. On or about December 14, 2012, the LCPO staff attended a luncheon at the Blind Fish restaurant in Lapeer, Michigan.
410. The cost of the December 14, 2012, luncheon, which respondent covered with his personal credit card, was \$180.66 of which \$34.00 represented gratuity.
411. On or about December 17, 2012, respondent signed and submitted an invoice voucher to the Lapeer County Finance Department seeking reimbursement of the cost of the 2012 Christmas luncheon from the Law Enforcement Corporation Counsel Employee Training account no. 267 162 657 010.
412. In the December 17, 2012, invoice voucher respondent represented that the December 14, 2012, expense was incurred in connection with “training.”

413. Shortly after December 17, 2012, County Administrator/Controller John Biscoe contacted respondent by phone regarding his December 17, 2012, reimbursement voucher.
414. Mr. Biscoe questioned whether the December 14, 2012, luncheon was a “training” session or a holiday celebration.
415. Mr. Biscoe advised respondent that a holiday luncheon expense could not be submitted for reimbursement.
416. During his conversation with Mr. Biscoe respondent insisted the December 14, 2012, luncheon was a “training” session and not a holiday luncheon.
417. The December 12, 2012, luncheon was not a training session but a Christmas luncheon for the LCPO staff.
418. Respondent’s representation in his December 17, 2012, invoice voucher was false and misleading.
419. Respondent’s verbal representations to Mr. Biscoe were false and misleading.
420. Based on respondent’s false representation in the December 17, 2012, invoice voucher and his false verbal representations to Mr. Biscoe, the county issued a check for \$146.66 (excluding gratuity) made payable to respondent.

**COUNT VI**  
**IMPROPER DEMEANOR**

421. Paragraphs 1 through 420, alleged above, are incorporated by reference as if fully stated herein.
422. In 2016, Ed and Bonnie Oyster and their son, Samuel, resided at 1476 Roods Lake Road in the City of Lapeer/Mayfield Township, Lapeer County, Michigan.
423. At all relevant times Dave Richardson was an attorney and a member of the State Bar of Michigan practicing law in Lapeer County.
424. In the November 2016 election, Mr. Richardson was a write-in candidate for the 40<sup>th</sup> Circuit Court against the incumbent, Hon. Nick Holowka.
425. During the November 2016 election, respondent made telephone calls on behalf of Mr. Richardson and his candidacy for the 40<sup>th</sup> Circuit Court.
426. Prior to the 2016 November election respondent placed numerous “Dave Richardson for Circuit Court” campaign lawn signs on various properties in Lapeer County.
427. Sometime prior to the afternoon/evening of Tuesday, October 4, 2016, respondent placed a “Dave Richardson for Circuit Court” campaign lawn sign on or near the property owned by Mr. and Mrs. Oyster, i.e. 1476 Roods Lake Road, City of Lapeer/Mayfield Township, Lapeer County, Michigan.

428. Respondent did not discuss the placement of David Richardson's campaign lawn sign with Ed Oyster, Bonnie Oyster, or Samuel Oyster before placing it on or near their residence located at 1476 Roods Lake Road, City of Lapeer/Mayfield Township, County of Lapeer, State of Michigan.
429. On or about October 5, 2016, respondent learned that the campaign lawn sign he had placed on or near the property owned by Mr. & Mrs. Oyster had been removed.
430. On or about October 5, 2016, respondent went to the Oyster residence located at 1476 Roods Lake Road, City of Lapeer/Mayfield Township, Lapeer County, Michigan.
431. Bonnie Oyster greeted respondent at her front door. Respondent questioned her about the "Richardson for Circuit Judge" campaign law sign, its removal, and its current location.
432. Mrs. Oyster advised respondent that she did not know who removed the "Dave Richardson for Circuit Court" campaign lawn sign.
433. Using a confrontational and irate tone of voice respondent continued to question Mrs. Oyster about the "Richardson for Circuit Judge" campaign lawn sign and its removal.

434. Respondent refused to accept Mrs. Oyster's assurances that she had no knowledge as to the identity of the person who had removed the campaign lawn sign.
435. Mrs. Oyster advised respondent that, out of courtesy, other individuals asked her, her husband's, or their son's permission to put up their candidates' campaign lawn signs on the corner of the property/residence.
436. Respondent displayed an aggressive, belligerent, and/or arrogant attitude towards Mrs. Oyster.
437. Respondent told Mrs. Oyster that he had placed the "Richardson for Circuit Judge" campaign lawn sign on the corner of the property.
438. Respondent told Mrs. Oyster that no one had his permission to remove the "fucking" campaign lawn sign from where he had placed it.
439. While respondent was addressing Mrs. Oyster, her son Samuel Oyster approached the front door and stood at his mother's side.
440. Respondent told Mrs. Oyster and Samuel Oyster that he hated Judge Nick Holowka and that Judge Halowka had been a "pain in [his] ass for 30 years."
441. As a result of respondent's conduct on the afternoon/evening of October 5, 2016, Mrs. Oyster became frightened and upset and began to cry.

**COUNT VII**  
**FAILURE TO DISQUALIFY**

442. David Richardson is a member of the State Bar of Michigan and is practicing law in the Lapeer County courts.
443. David Richardson was respondent's law school classmate.
444. In the November 2016 election, Mr. Richardson was a write-in candidate for the 40<sup>th</sup> Circuit Court, running against the incumbent, Hon. Nick Hallowka.
445. Respondent encouraged Mr. Richardson to become a candidate for the 40<sup>th</sup> Circuit Court in the November 2016 election.
446. During the November 2016 election, respondent made phone calls during which he:
- a. Expressed his support for Mr. Richardson's bid for the 40<sup>th</sup> Circuit Court.
  - b. Discussed placing Mr. Richardson's campaign lawn signs on various public and private properties.
447. During the November 2016 election, respondent placed numerous "Dave Richardson for Circuit Court" lawn signs on various properties in Lapeer County.

448. After declaring his candidacy for the 40<sup>th</sup> Circuit Court seat, Mr. Richardson appeared before respondent in numerous criminal/traffic and civil matters, including but not limited to:

*People v Clifford Edwards*, case no. 15-1815  
*People v Michael Pomoroy*, case no. 16-2757;  
*People v James Daniels*, case no. 17-0845;  
*People v Kayla Barczewski*, case no. 16-2335-FY  
*People v Daniel Chevrier*, case no. 17-0090-FY  
*People v Richard Page*, case no. 17-0220-FY  
*People v Brandon Krajniak*, case no. 17-0385-FY  
*People v Rebecca Roberts*, case no. 17-0920-FY

449. In the cases listed above in which Mr. Richardson was the attorney of record, respondent:

- a. Failed to disqualify himself based on his relationship with Mr. Richardson.
- b. Failed to disclose his relationship with Mr. Richardson.
- c. Failed to obtain a written waiver of his disqualification based on his relationship with Mr. Richardson.

## **COUNT VIII** **MISREPRESENTATIONS**

### **A. Criminal Conviction-Misdemeanor**

450. During a November 15, 2017, deposition conducted in connection with *Konschuh v. Lapeer County, et al*, Oakland County Circuit Court case nos. 2017-SC0045-SC and 2017-SC0046-SC, while under oath, respondent

represented that he did not plead no contest to any type of a crime, including a misdemeanor.

451. Respondent's testimony was false and misleading.

452. In his January 14, 2019, answers, under oath, to the Commission's 28-Day Letter, in response to question no. 44 respondent represented that on March 8, 2016, he plead "no contest to the allegation that there may be an interpretation of MCL 21.44 that supports the argument that he should have reported the collection of these funds to the State or other appropriate entity for accounting purposes."

453. That representation, in response to question no. 44, was false and misleading.

454. In his January 14, 2019, answers to the Commission's 28-Day Letter, in response to question no. 918, respondent represented that he "understood that [in *People v Konschuh*] he was pleading only to MCL 21.44."

455. That representation, in response to question no. 918, was false and misleading.

456. In his February 19, 2018, “Motion for Entry of Order *Nunc Pro Tunc*,” respondent claimed that on March 8, 2016:
- a. He did not plead to a misdemeanor under MCL 750.485 in *People v Konschuh*, Genesee case no. 14-03653-FH/Lapeer case no. 14-012016-FH.
  - b. He entered a plea of nolo contendere “that there may be an interpretation of MCL 21.44 that supports the argument that [respondent] should have reported the collection of [the Bounce Back and LEORTC] funds to the State or other appropriate entity for accounting purposes.”
457. Respondent’s representations in his February 19, 2018, motion were false and misleading.
458. In the February 19, 2018, motion, respondent requested Judge Neithercut to enter an “Order Nunc Pro Tunc” to correct “a mistake which, if not corrected, falsely indicated that Byron J. Konschuh pled to a crime, the misdemeanor known as MCL 750.485, which he clearly and objectively did not.”
459. Respondent’s representation in the February 19, 2018, motion was false and misleading.

**B. Financial Improprieties – Hartland/Transmodus**

460. In his January 14, 2019, answers to the Commission's 28-Day Letter, in response to question nos. 15, 18, and 67, respondent represented that during his tenure as the Lapeer County Prosecuting Attorney he was not aware of Lapeer County's "Adopted Accounting Procedures" and/or "Cash Receipts" policies.
461. Respondent's representations in response to questions 15, 18, and 67 were false and misleading.
462. In his January 14, 2019, answers to the Commission's 28-Day Letter, in response to question nos. 65, 66, 67, 68 and 69, respondent stated that the LCPO agreement/contract with Transmodus was not a county contract.
463. Respondent's representations in response to question nos. 65, 66, 67, 68 and 69 were false and misleading.
464. In his July 6, 2016, answers to the Commission's request for comments, in response to question no. 24k4, respondent stated that he did not keep \$15 from Cherri Ohenley's money order.
465. Respondent's representation in response to question no. 24k4 of the July 6, 2016, request for comments was false and misleading.

466. In his February 8, 2017, answers to the Commission's 28-Day Letter, submitted under oath, in response to question no 18h, respondent denied that he had failed to forward \$15 from the Ohenley's money order to the Lapeer County Treasurer's Office.
467. Respondent's representation in response to question no. 18h of the Commission's February 8, 2017, 28-Day Letter was false and misleading.
468. In his February 8, 2017, answers to the Commission's 28-Day Letter, submitted under oath, in response to question no. 18i respondent denied that he had failed to send or cause to be sent, to Transmodus, their \$35 collection fee.
469. Respondent's representation in response to question no. 18i of the Commission's February 8, 2017, 28-Day Letter was false and misleading.
470. In his January 14, 2019, answers to the Commission's 28-Day Letter, submitted under oath in response to question nos. 110 and 111, respondent represented that he "gave the equivalent of Sherry Ohenley's money order to the Lapeer County Treasurer's Office to voucher to the appropriate parties."
471. Respondent's representations in response to question nos. 110 and 111 were false and misleading.

### **C. Financial Improprieties – Bounce Back**

472. In his January 14, 2019, answers to the Commission's 28-Day Letter, submitted under oath, in response to question nos. 119, 120, 121, and 122 respondent stated that the agreement/contract with Bounce Back was not a "county contract."
473. Respondent's representations in response to questions 119, 120, 121 and 122 were false and misleading.
474. In his January 14, 2019, answers to the Commission's 28-Day Letter, in response to question nos. 123 and 129 respondent claimed that "Mr. Biscoe has acknowledged and testified that he was aware of [the contract between Bounce Back and the LCPO.]
475. Respondent's representations in response to question nos. 123 and 129 were false and misleading.
476. In his July 6, 2016, answers to the Commission's request for comments, in response to question no. 90, and in his January 14, 2019, answers to the Commission's 28-Day Letter, in response to question no. 140, respondent denied ever directing LCPO Office Manager Leigh Hauxwell not to forward any of the checks the LCPO received from Bounce Back to the Lapeer County Treasurer's Office.

477. Respondent's representations in response to question no. 90 of the July 6, 2016, request for comments and question 140 of the January 14, 2019, 28-Day Letter, were false and misleading.
478. In his February 8, 2017, answers to the Commission's 28-Day Letter, in response to question no. 31, and in his January 14, 2019, answers to the Commission's 28-Day Letter, in response to question nos. 955 and 956, respondent stated that he did not instruct the LCPO office managers, Cathy Strong and Leigh Hauxwell, to deliver to him all checks the LCPO received from Bounce Back to respondent.
479. Respondent's representations in response to question no. 31 of the February 8, 2017, 28-Day Letter and question nos. 955 and 956 of the January 14, 2019, 28-Day Letter were false and misleading.
480. In his January 14, 2019, answers to the Commission's 28-Day Letter, submitted under oath, in response to questions 152, 160, 168, 184, 192, 200, 208, 216, 225, 236, 244, 252, 260, 268, 276, 284, 292, 300, 308, 316, 324, 332, 340, 348, 356, 364, 372, 380, 388, 396, 404, 412, 420, 428, 436, 444, 452, 460, 468, and 476, respondent represented that at the time he deposited each check the LCPO had received from Bounce Back into his and his wife's personal checking account, the funds in each check represented

reimbursement for numerous and ongoing office expenses that respondent had initially paid for.

481. Respondent's representations in response to the above listed questions were false and misleading.
482. In his January 14, 2019, answers to the Commission's 28-Day Letter, on page 3, respondent represented that he had used the Bounce Back monies "to pay for office expenses such as coffee, donuts, bottled water and other luncheons."
483. Respondent's representation was false and misleading.
484. In his July 6, 2016, answers to the Commission's request for comments, respondent included Tab C, which respondent claimed represented "a list of receipted and estimated expenses of which the Bounce Back funds defrayed a portion."
485. In a three-page document included with Tab C respondent claimed that since becoming the Lapeer County Prosecuting Attorney he had incurred in excess of \$16,854.30 in out-of-pocket expenditures on the LCPO.
486. Respondent's representations in Tab C were false and misleading, in that:
  - a. Tab C includes expenditures purchased prior to respondent becoming the Lapeer County Prosecuting Attorney.
  - b. Tab C includes expenditures respondent did not pay for.

- c. Tab C includes expenditures that are not proper governmental expenditures.
  - d. Tab C includes expenditures that respondent was reimbursed for.
  - e. Tab C includes expenditures for coffee and cookies respondent had purchased for his May 6, 2013, investiture, when he was no longer the Lapeer County Prosecuting Attorney.
487. In his April 23, 2018, answers to the Commission's request for comments, in response to question nos. 19d2 and 20d2, respondent represented that he did not seek reimbursement from circuit court for the cookies and coffee he used at his investiture because he provided the coffee and cookies to the prosecutor's office the day after the May 6, 2013, investiture.
488. Respondent's representations in response to question nos. 19d2 and 20d2 were false and misleading.
489. In his January 14, 2019, answers to the Commission's 28-Day Letter, in response to question no. 928, respondent represented that he "personally paid for office-related expenditures prior to becoming [the] prosecuting attorney."
490. Respondent's representation in response to question no. 928 was false and misleading.

491. In his July 6, 2016, answers to the Commission's request for comments, respondent represented, under Tab C, that between 2001 and 2008 he spent/contributed \$400 per year to the "Flower/Cake/Card Fund," for a total of \$3200.
492. Respondent's representation was false and misleading.
493. In his January 14, 2019, answers to the Commission's 28-Day Letter, in response to question no. 936, respondent stated that "when the [flower/cake/card/water fund] did not have sufficient funds, which occurred every year, Judge Kenschuh personally covered the costs."
494. Respondent's representation in response to question no. 936 was false and misleading.
495. In his July 6, 2016, response to the Commission's request for comments, under Tab C, respondent represented that between August 2, 2002, and June 30, 2008, he had spent in excess of \$1800 of his own money on water cooler bills for the LCPO.
496. That representation under Tab C was false and misleading.
497. In his January 14, 2019, answers to the Commission's 28-Day Letter, in response to question nos. 938, 939, and 940, respondent stated that the office water fund did not have sufficient money to cover the water cooler service.

498. Respondent's representation in response to question no. 938 was false and misleading.
499. In his May 2017 supplemental response to the Commission's 28-Day Letter, on page 2, and in his January 14, 2019, answers to the Commission's 28-Day Letter, in response to question nos. 957 through and including 961, respondent represented that since the onset of the Bounce Back contract, he had incurred "about \$2,000" in out-of-pocket expenditures on behalf of the LCPO.
500. Respondent's representations in his supplemental response to the Commission's 28-Day Letter and in his January 14, 2019, 28-Day Letter were false and misleading, in that the items respondent listed as expenditures he had incurred since the onset of the Bounce Back contract:
- a. Include expenditures that were purchased before he became the Lapeer County Prosecuting Attorney.
  - b. Include expenditures that respondent did not pay for.
  - c. Include expenditures that are not proper governmental expenditures.
  - d. Include expenditures that respondent was reimbursed for.
  - e. Include expenditures that respondent incurred when he was no longer the Lapeer County Prosecuting Attorney.

#### **D. LEORTC Teaching Fees**

501. In his January 14, 2019, answers to the Commission's 28-Day Letter, in response to question no. 626, respondent represented that he had attended and participated as a presenter/trainer in the entire session of the March 2008 "Legal Update with Emphasis on CSC" LEORTC training session/seminar/legal update.
502. Respondent's representation in response to question no. 626 was false and misleading.
503. In his January 14, 2019, answers to the Commission's 28-Day Letter, in response to question no. 637, respondent represented that he had attended and participated as a presenter/trainer in the entire session of the March, 2009, "Computer Crime, Medical Marijuana, Open Carry, Search and Seizure" LEORTC training session/seminar/legal update.
504. Respondent's representation in response to question no. 637 was false and misleading.
505. In his January 14, 2019, answers to the Commission's 28-Day Letter, in response to question no. 646 respondent represented that he had attended and participated as a presenter/trainer in the entire session of the September 2009 "Search and Seizure, Child Advocacy – SANE/SART; Traffic Safety" LEORTC training session/seminar/legal update.

506. Respondent's representation in response to question no. 646 was false and misleading.
507. In his January 14, 2019, answers to the Commission's 28-Day Letter, in response to question nos. 656 and 658 respondent represented that he had attended and participated as a presenter/trainer in the entire session of the July 2010 "Ignition Interlock law, Medical Marijuana, Datamaster, ARIDE, Traffic Safety" LEORTC training session/seminar/legal update.
508. Respondent's representations in response to question nos. 656 and 658 were false and misleading.
509. In his January 14, 2019, answers to the Commission's 28-Day Letter, respondent represented, in response to question nos. 667 and 669, that he had attended and participated as a presenter/trainer in the April 2011 "Heroin, Identification and Prevention/Enforcement" LEORTC training session/seminar/legal update.
510. Respondent's representations in response to question nos. 667 and 669 were false and misleading.
511. In his January 14, 2019, answers to the Commission's 28-Day Letter, in response to question no. 677 respondent represented that he had attended and co-presented the entire session of the June 2011 LEORTC training session/seminar/legal update on medical marijuana.

512. Respondent's representation in response to question no. 677 was false and misleading.

**E. Improper Reimbursements - 2011 Christmas Luncheon**

513. In a December 20, 2011, invoice voucher submitted to the Lapeer County Finance Department seeking a \$125.25 reimbursement, respondent represented that the expense was incurred in connection with a luncheon provided at a December 16, 2011, "Legal Update/Training."

514. Respondent's representation in his December 20, 2011, invoice voucher was false and misleading in that the December 16, 2011, luncheon was a Christmas luncheon for the LCPO staff.

515. In his January 14, 2019, answers to the Commission's 28-Day Letter, in response to question nos. 794 and 795, respondent represented that the December 16, 2011, luncheon was a legal update/training session rather than a Christmas luncheon for the LCPO staff.

516. Respondent's representations in response to question no. 794 and 795 were false and misleading.

517. In his January 14, 2019, answers to the Commission's 28-Day Letter, in response to question no. 797, respondent stated that "Mr. Biscoe nor his staff ever informed Judge Kenschuh that the [December 16, 2011] was not a reimbursable expense."

518. Respondent's representation in response to question no. 797 was false and misleading.

**F. Improper Reimbursements - 2012 Secretary Day Luncheon**

519. In an April 25, 2012, invoice voucher submitted to the Lapeer County Finance Department seeking \$174.61, respondent represented that the expense was incurred for an April 25, 2012, "Staff Development Luncheon."

520. Respondent's representation in his April 25, 2012, invoice voucher was false and misleading in that the expense was the LCPO's celebration of Secretary/Administrative Assistant Day and not a staff development luncheon.

521. In his January 14, 2019, answers to the Commission's 28-Day Letter, in response to question no. 809 respondent stated that his representation in the April 20, 2011, invoice voucher was not false and misleading.

522. Respondent's representation in response to question no. 809 was false and misleading.

523. In his January 14, 2019, answers to the Commission's 28-Day Letter, in response to question nos. 807 and 808 respondent claimed that the April 25, 2012, luncheon was a staff development luncheon rather than the LCPO celebration of the Secretary/Administrative Assistant Day.

524. Respondent's representations in response to questions nos. 807 and 808 were false and misleading.

**G. Improper Reimbursements - 2012 Christmas Luncheon**

525. In a December 17, 2012, invoice voucher submitted to the Lapeer County Finance Department seeking a \$180.66 reimbursement from Law Enforcement Corporation Counsel Employee Training account no. 267 162 657 010, respondent represented that the expense was incurred in connection with the LCPO's December 14, 2012, "training" session.

526. Respondent's representation in the December 17, 2012, invoice voucher was false and misleading.

527. In a telephone conversation with County Administrator/Controller John Biscoe, conducted shortly after December 17, 2012, wherein Mr. Biscoe questioned respondent as to the purpose of the December 14, 2012, luncheon, respondent claimed that the LCPO's December 14, 2012, luncheon was a "training" session and not a holiday luncheon.

528. Respondent's verbal representation to County Administrator/Controller Biscoe was false and misleading.

529. During a November 15, 2017, deposition conducted under oath in connection with *Konschuh v. Lapeer County, et al*, Oakland County Circuit Court case nos. 2017-SC0045-SC and 2017-SC0046-SC, and in his January 14, 2019, answers to the Commission's 28-Day Letter, submitted under oath, in response to question nos. 909 and 910, respondent represented that:

- a. County Administrator John Biscoe never told respondent that the only way the Christmas luncheon expense could be justified was if the luncheon was for training.
- b. "The only thing that Mr. Biscoe told Judge Konschuh before he approved the [Christmas, 2012] expense was that Judge Konschuh may have to answer questions by the Board of Commissioners or auditors about the expense and that he should be prepared to do so.

530. Respondent's testimony in the November 15, 2017, deposition and his responses to the Commission's inquiries in question no. 909 and 910, were false and misleading.

531. In his January 14, 2019, answers to the Commission's 28-Day Letter, in response to question no. 769, respondent claimed that during the December 2012 telephone conversation with Mr. Biscoe, Mr. Biscoe did not:

- a. Question respondent whether the December 14, 2012, luncheon was a holiday.

- b. Did not advise respondent that a holiday luncheon expense could not be submitted for reimbursement.
532. Respondent's representations in response to question no. 769 were false and misleading.
533. In his January 14, 2019, answers to the Commission's 28-Day Letter, in response to question no. 771 respondent represented that during his December 2012 telephone conversation he did not represent to Mr. Biscoe that the December 14, 2012, luncheon was a "training" session rather than a holiday luncheon.
534. Respondent's representation in response to question no. 771 was false and misleading.
535. In his January 14, 2019, answers to the Commission's 28-Day Letter, in response to question no. 909 respondent represented that County Administrator John Biscoe never told respondent that the only way the 2012 Christmas luncheon expense could be justified was if the luncheon was for training.
536. Respondent's representation in response to question no. 909 was false and misleading.

537. In his January 14, 2019, answers to the Commission's 28-Day Letter, in response to question no. 765, respondent represented that the December 12, 2012, luncheon was a training session.
538. Respondent's representation in response to question no. 765 was false and misleading.

#### **H. False Statements - Donuts**

539. During his tenure as the Lapeer County Prosecutor, respondent and the LCPO prosecutors were rotated on a week-long "on-call" assignment.
540. The responsibility of the "on-call" APA was to handle any and all after-hours questions/issues encountered by various Lapeer County police departments.
541. The LCPO APAs received approximately \$300 in extra annual compensation for their "on-call" duty.
542. Prior to November of 2012, on Fridays, the "on-call" prosecuting attorneys purchased donuts for the LCPO staff.
543. Prior to November of 2012, receipts for donut purchases by the on-call prosecuting attorneys were not submitted for reimbursement to the Lapeer County Finance Department.

544. Beginning in November of 2012 and continuing until April 5, 2013, respondent instructed the LCPO APAs to submit, and he himself submitted, receipts for the Friday donut purchases to the Lapeer County Finance Department for reimbursement from the Law Enforcement Corporation Counsel Employee Training account no. 267 162 657 010.
545. Respondent signed and approved each invoice submitted to the Lapeer County Finance Department for reimbursement for the donuts purchased between November of 2012 through and including April 5, 2013.
546. In each invoice voucher respondent signed, approved, and/or submitted to the Lapeer County Finance Department between November of 2012 through and including April 5, 2013, respondent represented that the donut purchases were for “training.”
547. The “training” representation in each invoice voucher respondent submitted to the Lapeer County Finance Department between November of 2012 through and including April 5, 2013, was false and misleading.

### **I. Improper Demeanor**

548. In his January 14, 2019, answers to the Commission’s 28-Day Letter, in response to question nos. 828, 832, 833, 837, and 840 respondent stated that his October 5, 2016, encounter with Mrs. Bonnie Oyster and her son, Samuel Oyster, “was cordial” and that he did not:

- a. Use a confrontational and angry tone of voice when speaking to Mrs. Oyster and/or her son;
  - b. Display an aggressive, belligerent, and/or arrogant attitude towards Mrs. Oyster and/or her son;
  - c. Refuse to accept Mrs. Oyster's statements that she did not know who had removed the "Richardson for Circuit Judge" campaign lawn sign;
  - d. Use any profanities during his contact with Mrs. Oyster and/or her son, Samuel Oyster.
549. Respondent's representations in responses to question nos. 828, 832, 833, 837, and 840 were false and misleading.

Respondent's conduct, as described above in paragraphs 1 through and including 594, constitutes:

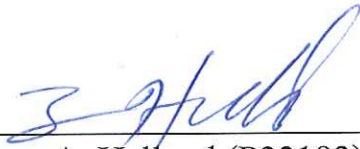
- a. Misconduct in office, as defined by the Michigan Constitution of 1963, as amended, Article 6, Section 30 and MCR 9.205;
- b. Conduct clearly prejudicial to the administration of justice, as defined by the Michigan Constitution of 1963, as amended, Article 6, Section 30, and MCR 9.205(B);
- c. Conduct in violation of the standards imposed on members of the bar as a condition of the privilege to practice law, contrary to MCR 9.103(A);
- d. Conduct that is prejudicial to the proper administration of justice, contrary to MCR 9.104(1);

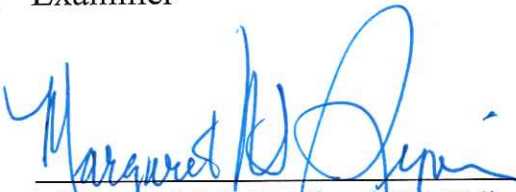
- e. Conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach, contrary to MCR 9.104(2);
- f. Conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3);
- g. Conduct that violates the standards or rules of professional responsibility adopted by the Supreme Court, in violation of MRPC 9.104(4);
- h. Conduct that violates 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);
- i. Knowing misrepresentation of any facts or circumstances surrounding a request for investigation or complaint, contrary to MCR 9.104(6);
- j. Conduct involving fraud, deceit, or intentional misrepresentations, contrary to MCR 9.205(B);
- k. Conduct involving intentional misrepresentations and misleading statements to the Judicial Tenure Commission, contrary to MCR 9.205(B);
- l. Failure to establish, maintain, enforce and personally observe high standards of conduct so the integrity and independence of the judiciary may be preserved, contrary to Michigan Code of Judicial Conduct ("MCJC") Canon 1;
- m. Irresponsible or improper conduct which erodes public confidence in the judiciary, in violation of MCJC Canon 2(A);
- n. Conduct involving impropriety and the appearance of impropriety, in violation of MCJC Canon 2(A);
- o. Failure to respect and observe the law, contrary to MCJC Canon 2(B);

- p. Failure to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, contrary to MCJC Canon 2(B);
- q. Failure to treat people with courtesy and respect, contrary to MCJC Canon 2(B);
- r. Use of the prestige of office to advance personal business interests or those of others, contrary to MCJC Canon 2(C);
- s. Failure to be faithful to the law and maintain professional competence in it, contrary to MCJC Canon 3(A)(1);
- t. Failure to disqualify, in violation of MCR 2.003(C);
- u. A pattern of misconduct in violation of the Code of Judicial Conduct.

**JUDICIAL TENURE COMMISSION  
OF THE STATE OF MICHIGAN**

3034 W. Grand Boulevard, Suite 8-450  
Detroit, Michigan 48202

By:   
Lynn A. Helland (P32192)  
Examiner

  
Margaret N.S. Rynier (P34594)  
Co-Examiner

Dated: February 6, 2019

**STATE OF MICHIGAN  
IN THE SUPREME COURT**

**IN THE MATTER OF:**

**MSC No.** \_\_\_\_\_

Hon. Byron J. Konschuh  
40<sup>th</sup> Circuit Court  
255 Clay Street  
Lapeer, MI 48066

\_\_\_\_\_/ **Michigan Judicial Tenure Commission**

Lynn A. Helland (P32192)  
Margaret N.S. Rynier (P34594)  
3034 West Grand Blvd.  
Ste. 8-450  
Detroit, Michigan 48202  
(313) 875-5110

**Collins Einhorn Farrell PC**  
Donald D. Campbell (P-43088)  
Attorney for Respondent  
4000 Town Center, 9<sup>th</sup> Floor  
Southfield, MI 48075  
(248) 355-4141

**PROOF OF SERVICE**

**STATE OF MICHIGAN )**  
**) SS**  
**COUNTY OF WAYNE )**

Glenn J. Page, being duly sworn, states: I am employed with the Judicial Tenure Commission. On February 6, 2019, I served a copy of ***Formal Complaint No. 100, Request for Appointment of Master***, and this ***Proof of Service*** upon Donald D. Campbell, Esq., Counsel for Respondent, by first class mail the same clearly addressed as follows:


Collins Einhorn Farrell, PC  
Donald D. Campbell  
4000 Town Center, 9<sup>th</sup> Floor  
Southfield, MI 48075

and plainly bearing thereon the return address of the Judicial Tenure Commission.

  
\_\_\_\_\_  
GLENN J. PAGE

**Subscribed and sworn to before me**

This 6th day of February, 2019

  
\_\_\_\_\_  
JOYCE FORD-COOPER  
NOTARY PUBLIC, OAKLAND COUNTY,  
ACTING IN WAYNE COUNTY, MI  
My Commission Expires: February 3, 2020

