

***People v. Wabeke, No.99PDJ113 1/28/2000. Attorney Regulation.***

The Presiding Disciplinary Judge accepted the parties' Conditional Admission of Misconduct and suspended Respondent, Ross J. Wabeke, from the practice of law for a period of ninety days, with all but thirty days of the period of suspension stayed followed by one year of probation subject to certain conditions. Respondent was designated as the trustee in a Chapter 7 bankruptcy, and requested authorization from the court to hire an auctioneer and hold an auction, which was denied based on lack of notice to the debtor. Despite having been denied the authority to do so, respondent went forward with the auction, and subsequently renewed his earlier motion without disclosing that the auction had taken place. The respondent's conduct constituted negligent misrepresentation, and violated Colo. RPC 3.3(a)(1), Colo. RPC 8.4(c) and Colo. RPC 8.4(d). Respondent was ordered to pay the costs of the proceedings.