

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against SERGIO ROBERTO ANDRADE,
a Minnesota Attorney,
Registration No. 261750.

**PETITION FOR
DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

The Acting Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this petition upon the parties' agreement pursuant to Rules 10(a) and 12(a), Rules on Lawyers Professional Responsibility (RLPR). The Director alleges:

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on November 6, 1995. Respondent currently practices law in Minneapolis, Minnesota. Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

1. On January 11, 2005, respondent was criminally charged with one felony count of attempted theft by swindle in excess of \$35,000, in violation of Minn. Stat. § 609.52, subd. 2(4) and 3(1). Later, an amended complaint was issued adding a second count of attempted theft by swindle of over \$2,500, in violation of Minn. Stat. § 609.52, subd. 2(4) and 3(1).
2. On November 28 through December 5, 2005, the matter was tried to the court in Hennepin County District Court. On December 12, 2005, The Honorable John J. Sommerville issued General Findings and Specific Findings of Fact. Exhibits 1 and 2.
3. The court found respondent guilty on the second count, theft by swindle over \$2,500.

4. Respondent's criminal conviction was based upon findings that he illegally attempted to obtain funds from a client by falsely informing the client that funds were needed to "bribe" an official, who could cause the dismissal of criminal charges against respondent's client.

5. Rule 19(a), RLPR, makes a criminal conviction conclusive evidence that the lawyer committed the conduct for which he was convicted.

6. Respondent's conduct violated Rules 1.7(a)(2) and 8.4(b), (c), (d) and (e), Minnesota Rules of Professional Conduct (MRPC).

WHEREFORE, the Director respectfully prays for an order of this Court disbarring or suspending respondent from the practice of law, awarding costs and disbursements pursuant to the Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: February 14, 2006.



BETTY M. SHAW
ACTING DIRECTOR OF THE OFFICE OF
LAWYERS PROFESSIONAL RESPONSIBILITY
Attorney No. 130904
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102-1218
(651) 296-3952

and



MARTIN A. COLE
FIRST ASSISTANT DIRECTOR
Attorney No. 148416