

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against BRENT VISCOUNT BIDJOU,
an Attorney at Law of the
State of Minnesota.

**PETITION FOR
DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

At the direction of a Lawyers Professional Responsibility Board Panel, the Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this petition.

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on May 8, 1998. Respondent currently practices law in Eagan, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

1. On December 12, 1997, respondent signed his application for admission to the bar of Minnesota. Respondent was required to "swear or affirm that the answers and statements on this application are complete, true and correct."

2. Question 4.05 of the bar application asked respondent whether, "As an individual, have you ever been a party to or a witness in any legal proceeding? This includes any civil, criminal, administrative, family law or domestic abuse proceeding." Respondent falsely indicated that he had never been a party to a legal proceeding.

3. As part of the application process, respondent was required to write out the following: "THIS IS A CONTINUING APPLICATION. I WILL SUBMIT ADDITIONAL

DOCUMENTS, RECORDS OR INFORMATION IF MY SITUATION CHANGES OR IF REQUESTED. I RECOGNIZE THIS OBLIGATION CONTINUES UNTIL SUCH TIME AS I BECOME A MEMBER OF THE BAR OF MINNESOTA, OR UNTIL I WITHDRAW MY APPLICATION" (emphasis in original text).

Defamation Litigation

4. In the fall of 1996, respondent was living at the Lexington Place Condominiums. A dispute had developed between the current board of directors for the condominium association and a group of condominium residents. As part of this dispute a group of the residents calling themselves the "Concerned Lexington Place Condominium Association Homeowners Working for a Better Community" (Concerned Homeowners) petitioned for a special meeting of the board.

5. The Concerned Homeowners proposed an alternative slate of candidates for the board. Respondent was among those candidates. On November 15, 1996, the condominium association held a special meeting at which four members of the board of directors were removed and a fifth director resigned. At that same meeting, a new board of directors was elected. Respondent attended the meeting on his own behalf, and as a proxy for several other homeowners.

6. On November 18, 1996, respondent prepared a letter concerning the removal of the current board and election of a new board of directors, which he then delivered to several other residents of the condominium. In his letter, respondent mentioned the "ineffectiveness and corruption" of the outgoing board.

7. One of the previous board members, John Quinn, felt that he had been defamed by respondent's statement and on December 20, 1996, Quinn's attorney prepared a summons and complaint naming respondent as a defendant in a defamation action. Respondent was personally served with the complaint on December 30, 1996.

8. On January 23, 1997, respondent's attorney prepared an answer to the complaint. In that answer respondent, through his attorney, stated that the

communication was true. On that same date, respondent's attorney prepared a request for production of documents.

9. On January 29, 1997, Quinn's attorney served interrogatories, request for production of documents and notice of taking respondent's deposition. Respondent's deposition was noted for March 12, 1997.

10. At some time in late February or early March 1997, the attorneys for respondent and Quinn discussed a possible apology by respondent for his November 18, 1996, letter. On March 13, 1997, Quinn's attorney wrote to respondent's attorney concerning the form of the apology Quinn was demanding.

11. On March 20, 1997, respondent's attorney wrote indicating that the proposed language was acceptable to respondent. Respondent's attorney asked Quinn's attorney to contact him at his earliest convenience concerning the drafting and execution of the relevant settlement documents. Respondent's attorney sent a copy of that letter to respondent.

12. In a June 17, 1997, letter, respondent apologized to Quinn. Respondent indicated that his comment about the board being ineffective and corrupt was in no way intended to indicate that Quinn himself had been ineffective or corrupt.

13. Quinn viewed the June 17, 1997, letter as a proposal regarding the form the apology was to take. Quinn subsequently wrote to his lawyer concerning changes that he would like to see to the letter. Quinn never signed a settlement nor formally dropped his lawsuit against respondent. On September 24, 1997, Quinn's attorney contacted respondent's attorney about a resolution of the defamation lawsuit. On behalf of Quinn, the attorney demanded that respondent pay Quinn's attorney fees and costs of approximately \$4,500.

14. On September 25, 1997, respondent's attorney replied stating that he was outraged by Quinn's refusal to go forward with the settlement and stating that respondent would not, under any circumstances, pay Quinn's attorney's fees.

Respondent's attorney sent respondent a copy of that letter. On September 30, 1997, respondent's attorney wrote that the parties had previously reached a settlement, that they should execute a general release and if Quinn refused, he would raise the matter with the court. Respondent was sent a copy of this letter as well.

15. On October 1, 1997, respondent's attorney again wrote to Quinn's attorney regarding settlement of the lawsuit. The attorney enclosed with his October 1, 1997, letter a stipulation for dismissal that he had signed, but which had never been signed by Quinn's attorney. Neither Quinn nor his attorney ever signed the stipulation for dismissal.

16. On December 12, 1997, respondent submitted his application for admission to the bar in which he falsely stated that he had never been a party in any legal proceeding. The fact that respondent was a party in a civil proceeding was a material fact for the purposes of his bar application.

Department of Human Rights Administrative Proceeding

17. On August 8, 1996, respondent attended a meeting of the Concerned Homeowners Association. Respondent contends that after the meeting he was told by one of the people in attendance that the owner of the management company for the condominium association, Deborah Ho-Beckstrom, had made derogatory racial comments about him at an October 1995 meeting.

18. On October 17, 1996, respondent made two charges of discrimination with the Minnesota Department of Human Rights. The first charge named the Lexington Place Condominium Board of Directors/ Association (Board of Directors) as the "respondent." The second charge identified the Condominium Association Resource Group, formerly MLH Management, (MLH Management) as the "respondent."

19. In two letters dated October 24, 1996, the Department informed respondent that charges had been filed and sent to the Board of Directors and to MLM Management. The Department told Respondent that as the "charging party" he should

be aware of certain facts including that "the acceptance of a charge by this department DOES NOT mean a decision has been made that a violation occurred" (emphasis in original text).

20. In early 1997, respondent and the other parties in the Human Rights complaint asked John Quinn if he would be willing to participate in a mediation session concerning respondent's charges of discrimination. On February 5, 1997, Quinn's lawyer wrote, saying that Quinn would participate if certain conditions were met. On February 6, 1997, respondent's lawyer replied, stating that he was currently in the process of preparing a complaint on behalf of respondent against Quinn seeking at least a quarter of a million dollars in damages and that mediation would appear to be useless.

21. On February 10, 1997, Colleen Gunderson, a Human Rights Enforcement Officer with the Minnesota Department of Human Rights, wrote to respondent. In her letter, Gunderson informed respondent that the case against the Board of Directors had been assigned to her for further processing.

22. On February 12, 1997, Gunderson again wrote to respondent informing him that she was involved in settlement negotiations and during that time the 180-day period during which she could request a public hearing was "stopped." Apparently to confirm he understood the ramifications of this, respondent was asked to sign and return the letter. On February 26, 1997, he did so.

23. On April 11, 1997, respondent wrote to Gunderson replying to a December 4, 1996, answer from Condominium Association Resource (MLH Management). On October 24, 1997, respondent wrote to the Department of Human Rights providing his "rebuttal" to the Board of Directors' "position statement response." He requested that the Minnesota Department of Human Rights continue its investigation and issue a finding of probable cause to believe that his rights had been violated.

24. In November of 1997, respondent spoke to Gunderson indicating that he wished to withdraw his complaint against the Board of Directors (*i.e.*, Lexington Place Condominium Association). On November 14, 1997, Gunderson wrote to respondent asking him to sign and return a withdrawal request. On November 24, 1997, respondent signed and returned the request for withdrawal. This ended matters as it related to the first of respondent's "charges" of discrimination.

25. On December 10, 1997, the Minnesota Department of Human Rights wrote to respondent informing him that it would not be proceeding further with his second charge, against MLH Management, and that the charge had been dismissed. In the memorandum accompanying the letter, the department explained that its investigation results did not provide sufficient evidence to substantiate that respondent was treated in a discriminatory manner.

26. On December 12, 1997, respondent completed his application for admission to the bar in which he falsely stated that he had never been a party to a legal proceeding, including an administrative proceeding. The fact that respondent was a party in an administrative proceeding was a material fact for the purposes of his bar application.

Minnesota Department of Commerce Complaint

27. In August of 1996 respondent worked as a bank regulator for the Minnesota Department of Commerce. On August 15, 1996, respondent filed a complaint with the Department of Commerce against Deborah Ho-Beckstrom. Ho-Beckstrom held a real estate license issued by the Department of Commerce.

28. Respondent alleged that Ho-Beckstrom, in her capacity of property manager for MLH Management, had subjected him to verbal abuse, threats to call the police, and had made discriminatory remarks about him in the presence of the Lexington Townhome Board. Respondent requested that the Department of Commerce

take whatever measures were within its authority, including the suspension or revocation of Ho-Beckstrom's license.

29. On August 23, 1996, Pamela Eftikides of the Department of Commerce wrote to respondent informing him that his complaint was being forwarded to the Attorney General's office. The matter was referred to the Attorney General's office because respondent was a Department of Commerce employee.

30. On March 12, 1997, notwithstanding their earlier letter indicating that the matter had been forwarded to the Attorney General's office, the Department of Commerce again wrote to respondent regarding his complaint. In its letter, the department indicated that its investigation was "still ongoing."

31. In his April 11, 1997, letter to the Department of Human Rights, respondent asked them to contact the Attorney General's Office and the Department of Commerce "to keep both of these departments apprised of your findings as they have an interest in the outcome of this case to determine the impact of Ho Beckstrom's Minnesota property management license."

32. Respondent never received anything further from either the Department of Commerce or the Attorney General's office indicating that the matter had been concluded.

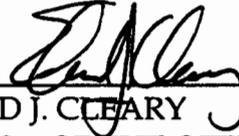
33. On his application for admission to the bar, respondent falsely stated that he had never been a party to an administrative proceeding. The fact that respondent was a party in an administrative proceeding was a material fact for the purposes of his bar application.

34. Respondent's conduct in knowingly making false statements of material fact on his bar application violated Rule 8.1, Minnesota Rules of Professional Conduct (MRPC).

WHEREFORE, the Director respectfully prays for an order of this Court suspending respondent or imposing otherwise appropriate discipline, awarding costs

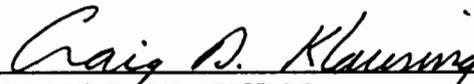
Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: July 24, 2000.



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