

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against WINSTON W. BORDEN,
a Minnesota Attorney,
Registration No. 9829.

**PETITION FOR
DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

The 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. The Director alleges:

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on October 16, 1968. Respondent currently practices law in St. Paul, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

1. Respondent failed to timely file state and federal individual income tax returns for the tax years 1997 through 2002 and failed to pay the taxes due thereon.

2. On March 17, 2004, respondent was indicated on three misdemeanor counts for his failure to file federal individual income tax returns for the tax years 1997 through 1999.

3. On April 20, 2004, a superceding indictment, which added three additional misdemeanor counts for respondent's failure to file federal individual income tax returns for the tax years 2000 through 2002, was issued.

4. On June 8, 2004, respondent entered a plea of guilty to the charges arising from his failure to file tax returns for the years 1997 through 1999.

5. On June 22, 2004, respondent was found guilty of the charges arising from his failure to file federal individual income tax returns for the tax years 2000 through 2002.

6. Respondent's conduct in failing to timely file state and federal income tax returns violated Rules 8.4(b) and (d), Minnesota Rules of Professional Conduct (MRPC).

WHEREFORE, the Director respectfully prays for an order of this Court imposing appropriate discipline, 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: August 17, 2004.


KENNETH L. JORGENSEN
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and


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