

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary
Action against RICHARD E. BOSSE,
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 June 10, 1994. Respondent currently practices law in Henning, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

DISCIPLINARY HISTORY

Respondent's record of prior discipline, including warnings and admonitions, is as follows: On May 21, 1997, respondent was issued an admonition for failing to conform his nonrefundable fee agreement with the requirements of LPRB Opinion 15 and for failing to timely record trust documents, in violation of Rule 1.3, Minnesota Rules of Professional Conduct (MRPC).

FIRST COUNT

BLE Matter

1. Question 4.12 of the application for admission to the bar of Minnesota states, "Do you have any debts which are 120 days or more past due?" Respondent answered the question "No."

2. The application for admission to the bar of Minnesota requires all applicants to update their answers to all questions until the date of their actual admission in Minnesota. All applicants are required to write the following paragraph and sign it:

This is a continuing application. I will submit additional documents, records or information if my situation changes or if requested. I recognize that this obligation continues until such time as I have become a member of the bar of Minnesota, or until I withdraw my application.

Respondent wrote out the paragraph, signed the application and submitted it on January 29, 1993. Thereafter, respondent received several letters from the Minnesota Board of Law Examiners concerning his application. Each letter contained a reminder of this continuing obligation to supplement all application answers.

3. Respondent was invited to a character and fitness hearing on January 20, 1994, to supplement respondent's application for admission to the bar. The letter scheduling the hearing reminded respondent of his continuing obligation to supplement all application answers.

4. On January 26, 1994, the Administrator of the Minnesota Board of Law Examiners wrote to respondent and reminded him that at the January 20 hearing he had agreed to provide certain specific information and agreed to review his application for admission. Respondent did not change his answer to question 4.12.

5. Respondent failed to list the following debts on his application:

<u>Debt</u>	<u>Incurred</u>	<u>Amount</u>
IRS	1992 taxes	22,500
Lewis Kapner, Esq.	March 1992	5,000

6. In June 1994 respondent was admitted to the bar of Minnesota. Respondent stated during the Director's investigation that his failure to list the debts was an oversight.

7. Respondent's conduct in failing to list his debts on the Minnesota application violated Rule 8.1(a)(2), Minnesota Rules of Professional Conduct (MRPC).

SECOND COUNT

Florida Discipline Matters

8. On March 6, 1997, respondent was publicly disciplined by the Florida bar for failing to pay his expert witness, Lewis Kapner, Esq., after the costs and disbursements had been paid over to him.

9. Pursuant to Rule 19(b)(2), the findings in Exhibit 1 are conclusive evidence that respondent committed the conduct as stated therein.

10. Respondent filed a voluntary petition for bankruptcy in the U.S. Bankruptcy Court in the Southern District of Florida.

11. On September 10, 1996, the U.S. Bankruptcy judge denied respondent a discharge of his debts in bankruptcy on the grounds that respondent made numerous false statements and omitted numerous assets from his schedules, falsely listed his address as Delrey Beach, Florida, and claimed Florida property as his homestead exemption, when in fact, respondent lived in Minnesota. Respondent also omitted his Minnesota home from his schedules.

12. As a result of the bankruptcy matter, the Florida bar commenced another disciplinary proceeding. On February 25, 1999, respondent was again publicly reprimanded for his misconduct in the bankruptcy matter, pursuant to a Consent Judgment.

13. Respondent's conduct as set forth in the first Florida disciplinary matter violated Rule 8.4(c), MRPC, and his conduct in acting carelessly in determining his assets and preparing his bankruptcy schedules, as found in the second Florida disciplinary matter, violated Rule 8.4(d), MRPC.

THIRD COUNT

Failure to Cooperate

14. On March 21, 1997, the Director's Office requested certain books and records from respondent. Respondent failed to produce the records. On April 3, 1997, the Director's Office requested a response to the March 21, 1997, letter.

15. On April 24, 1997, respondent's counsel responded by letter that the books and records "will be forthcoming in the near future." On May 2, 1997, the Director's Office asked again for a response.

16. On May 22, 1997, respondent was mailed, through his counsel, a notice of investigation, which requested, among other things, a response to the Director's April 3 letter. Respondent failed to respond.

17. On June 25 and July 28, 1997, the Director's Office asked for a response to the notice of investigation. In an August 11, 1997, letter, respondent's counsel stated "I have discussed the matter with [respondent] several times, and he assures me that the information and some documentation will be forthcoming in the near future."

18. On August 25, 1997, respondent's counsel wrote to the Director's Office and again stated that a response would be given shortly. On October 7, 1997, respondent's counsel orally conveyed that a response would be made soon. However, no response or documents were produced.

19. On November 17, 1997, the Director's Office again asked for a response to the May 22, 1997, notice of investigation and April 3, 1997, letter.

20. On November 24, 1997, respondent's counsel provided a written response to the notice of investigation, but no books and records.

21. On December 12, 1997, the Director's Office asked respondent for additional documents. Upon receiving no response, the Director sent an additional reminder to respondent on January 15, 1998.

22. On January 30, 1998, respondent's counsel advised that he had reminded respondent of the outstanding request for information, and that the documents should be provided as soon as possible.

23. On February 20, 1998, respondent's counsel advised that respondent had misplaced the request letter, but had been sent another copy and "I assume the requested information will be forthcoming in the near future."

24. On March 24, 1998, respondent's counsel replied to the December 12, 1997, requests and provided most of the documents requested in the December 12, 1997, request, but no books and records.

25. On August 27, 1998, the Director's Office again requested the bank records first requested in the March 21, 1997, letter. On September 16, 1998, respondent's counsel advised he had asked respondent to supply the documents, and would make a further response after talking to respondent. On September 28, 1998, respondent's counsel advised that he had advised respondent to provide the information and documents as soon as possible.

26. On October 12, 1998, respondent finally provided information on his trust account, as well as responses to other outstanding requests.

27. On January 20, 1999, the Director's Office asked for additional records, which were supplied by respondent on March 2 and March 15.

28. Respondent's conduct in failing to promptly and completely respond to the discipline authority's requests for information violated Rule 8.1(a)(3), MRPC, and Rule 25, Rules on Lawyers Professional Responsibility.

WHEREFORE, the Director respectfully prays for an order of this Court imposing appropriate discipline, awarding costs and disbursements pursuant to the

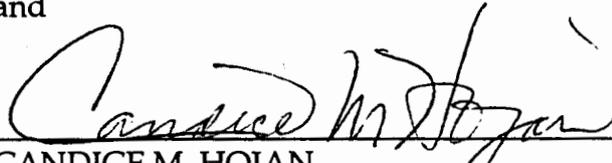
Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: October 1, 1999



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