FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action against VANCE O. BUSHAY, a Minnesota Attorney, Registration No. 13675.	**STIPULATION FOR DISPENSING WITH PANEL PROCEEDINGS, FOR FILING PETITION FOR DISCIPLINARY ACTION, AND FOR DISCIPLINE**

THIS STIPULATION is entered into by and between Martin A. Cole, Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and Vance O. Bushay, attorney, hereinafter respondent.

WHEREAS, respondent has concluded it is in respondent's best interest to enter into this stipulation,

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the undersigned as follows:

1. It is understood that respondent has the right to have charges of unprofessional conduct heard by a Lawyers Professional Responsibility Board Panel prior to the filing of a petition for disciplinary action, as set forth in the Rules on Lawyers Professional Responsibility (RLPR). Pursuant to Rule 10(a), RLPR, the parties agree to dispense with Panel proceedings under Rule 9, RLPR, and respondent agrees to the immediate filing of a petition for disciplinary action, hereinafter petition, in the Minnesota Supreme Court.

2. Respondent understands that upon the filing of this stipulation and the petition, this matter will be of public record.

3. It is understood that respondent has certain rights pursuant to Rule 14, RLPR. Respondent waives these rights, which include the right to a hearing before a referee on the petition; to have the referee make findings and conclusions and a recommended disposition; to contest such findings and conclusions; and to a hearing

before the Supreme Court upon the record, briefs and arguments. Respondent hereby admits service of the petition.

4. Respondent waives the right to answer and unconditionally admits the allegations of the petition.

5. Respondent understands that based upon these admissions, this Court may impose any of the sanctions set forth in Rule 15(a)(1) - (9), RLPR, including making any disposition it deems appropriate. Respondent understands that by entering into this stipulation, the Director is not making any representations as to the sanction the Court will impose.

6. The Director and respondent join in recommending that the appropriate discipline is a 90-day suspension pursuant to Rule 15, RLPR, followed by probation for an indefinite period of time to terminate one year after termination of respondent's criminal probation, provided that respondent not engage in similar misconduct and abides by the conditions of probation as set forth in paragraphs 7(a) through (j) below. Respondent agrees to the imposition of $900 in costs pursuant to Rule 24(a), RLPR.

7. Respondent's probation shall be subject to the following conditions:

a. Respondent shall cooperate fully with the Director's Office in its efforts to monitor compliance with this probation and promptly respond to the Director's correspondence by the due date. Respondent shall cooperate with the Director's investigation of any allegations of unprofessional conduct which may come to the Director's attention. Upon the Director's request, respondent shall provide authorization for release of information and documentation to verify compliance with the terms of this probation.

b. Respondent shall abide by the Minnesota Rules of Professional Conduct.

c. Respondent shall comply with the terms of his criminal probation.

d. Respondent shall maintain total abstinence from alcohol and other mood-altering chemicals, except that respondent may use prescription drugs in accordance with the directions of a prescribing physician who is fully advised of respondent's chemical dependency before issuing the prescription.

e. Respondent shall follow all chemical dependency treatment and aftercare recommendations.

f. Respondent shall submit biological fluid specimens for toxicology analysis as requested by his probation officer.

g. In addition, respondent shall, at his own expense, no more than four times per month, submit to random biological fluid (urine or blood) screening at a facility approved by the Director. These screenings shall be in addition to any required through respondent's criminal probation. Respondent shall direct the screening facility to provide the results of all testing to the Director's Office. If, after six months, all such tests have been negative, then the frequency of the random tests may be reduced or terminated at the Director's discretion. Respondent shall cooperate with the phone-in program established by the Director for the random tests. Any failure to phone-in in accordance with the random test program shall be considered the same as receipt of a positive test result.

h. Respondent shall not commit the same or similar offenses, shall remain law-abiding, and shall follow the conditions of his probation.

i. Respondent shall, by the tenth day of each month, without a specific reminder or request, submit to the Director an attendance verification for Alcoholics Anonymous on a form provided by the

Director, which provides the name, address and telephone number of the person personally verifying the attendance.

8. This stipulation is entered into by respondent freely and voluntarily, without any coercion, duress or representations by any person except as contained herein.

9. Respondent hereby acknowledges receipt of a copy of this stipulation.

10. Respondent has been advised by the undersigned counsel concerning this stipulation and these proceedings generally.

IN WITNESS WHEREOF, the parties executed this stipulation on the dates indicated below.

Dated: April 28, 2009.

MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS PROFESSIONAL RESPONSIBILITY
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Dated: April 28, 2009.

KEVIN T. SLATOR
ASSISTANT DIRECTOR
Attorney No. 204584

Dated: June 9, 2009.

VANCE O. BUSHAY
RESPONDENT

Dated: June 9, 2009.

MITCHELL R. HADLER
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