

FILE NO. C7-01-1225  
STATE OF MINNESOTA  
IN SUPREME COURT

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In Re Petition for Disciplinary  
Action against DON L. BYE,  
a Minnesota Attorney,  
Registration No. 13924

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**STIPULATION  
FOR EXTENSION AND  
MODIFICATION OF  
PROBATION**

THIS STIPULATION is entered into by and between Kenneth L. Jorgensen, Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and Don L. Bye, 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. Pursuant to the Rules on Lawyers Professional Responsibility (RLPR), the parties agree to dispense with further proceedings and respondent agrees to the immediate disposition of this matter by the Minnesota Supreme Court under Rule 15, RLPR.
2. Respondent understands this stipulation, when filed, will be of public record.
3. Respondent understands that he has certain procedural rights pursuant to the Rules on Lawyers Professional Responsibility. On advice of counsel, respondent waives all of these rights.

4. Respondent unconditionally admits that he violated the terms of the Court's November 29, 2001, public probation order by failing to fully comply with the phone-in provisions of the random urinalysis program.

5. Respondent understands that based upon this admission, this Court may impose any condition or sanction it deems appropriate. Respondent understands that by entering into this stipulation, the Director is not making any representations as to the conditions or sanctions the Court will impose.

6. In support of this stipulation the parties state that there have been no client complaints since respondent was placed on public probation. There have been no positive urinalysis tests, and respondent has complied with AA attendance.

7. The Director and respondent join in recommending that the appropriate extension and modification of respondent's probation is as follows.

a. Respondent shall continue on public probation for six months from the date of this Court's order provided respondent fully complies with the phone-in provisions of the random urinalysis program. If respondent fails to call the Director's Office as required, respondent's probation shall continue for an additional six months from the date of the phone-in violation. If respondent provides a dilute sample or has a confirmed positive test for alcohol or other mood-altering chemicals, except for those chemical allowed in paragraph (d) of this stipulation, respondent's probation shall continue for one year from the date of the dilute or positive test result. This extension does not preclude the Director from seeking revocation in the event this probation is violated.

b. 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.

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

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, at his own expense, submit to random urinalysis for drug screening at least three times per month at such facility as the Director's Office may approve and shall direct the drug screening facility to provide the results of all urinalysis testing to the Director's Office. If after three months all such tests have been both negative and not suggestive of a dilute specimen, then the frequency of the random tests may be reduced. Respondent shall cooperate with the phone-in program established by the Director's Office for the random tests.

f. Respondent shall continue to attend at least two meetings per week of Alcoholics Anonymous, LCL or other abstinence support program acceptable to the Director. Respondent shall, by the tenth day of each month, without a specific reminder or request, submit to the Director an attendance verification 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.

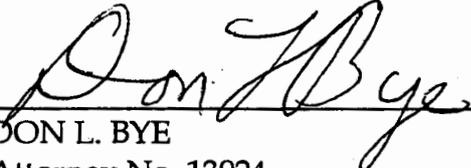
Dated: October 2, 2003.

  
KENNETH L. JORGENSEN  
DIRECTOR OF THE OFFICE OF LAWYERS  
PROFESSIONAL RESPONSIBILITY  
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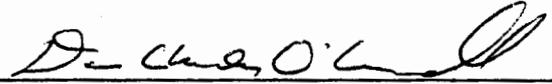
Dated: October 23, 2003.

  
BETTY M. SHAW  
SENIOR ASSISTANT DIRECTOR  
Attorney No. 130904

Dated: 10-14, 2003.

  
DON L. BYE  
Attorney No. 13924  
RESPONDENT

Dated: 10-20-, 2003.

  
DAN C. O'CONNELL  
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