

FILE NO. C8-99-969

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against GREGORY ALLEN CARPENTER,
an Attorney at Law of the
State of Minnesota.

**STIPULATION
FOR DISCIPLINE**

THIS STIPULATION is entered into by and between Edward J. Cleary, Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and Gregory Allen Carpenter, attorney, hereinafter respondent.

WHEREAS, the Director, on September 16, 1999, filed a stipulation for discipline in which respondent withdrew his answer to the April 21, 1999, petition for disciplinary action, unconditionally admitted the allegations of said petition, and joined with the Director in recommending a 6-month suspension as the appropriate discipline and

WHEREAS, On November 22, 1999, the Director, having learned of additional allegations of impropriety which, if true, would cause the Director to withdraw his recommendation for discipline in the stipulation, moved the court for an order staying consideration of the September 16, 1999, stipulation, which motion was granted by the court on November 30, 1999, and

WHEREAS, On January 19, 2000, the Director filed a supplementary petition for disciplinary action alleging additional misconduct by respondent, and

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 under Rule 14, RLPR, 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. 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 supplementary 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.

4. Respondent withdraws his answer to the supplementary petition for disciplinary action filed herein and, except as noted herein, unconditionally admits the allegations of the supplementary petition. Respondent, on the day scheduled for the Referee hearing on the supplementary petition, provided written documentation satisfactory to the Director indicating that the \$6,000 retainer paid him in the Prouen matter is properly characterized as a non-refundable retainer and that the retainer was reasonable under the circumstances. In light of this, the Director hereby withdraws that portion of the supplementary petition alleging misappropriation of the Prouen retainer in violation of Rules 1.15(a) and (b) and 8.4(c), Minnesota Rules of Professional Conduct (MRPC). Likewise, based on representations of respondent, the Director withdraws the charge of violation of Rule 1.3, MRPC, in the Villareal matter.

5. Respondent understands that based upon these admissions and the admissions contained in the September 16, 1999, stipulation for discipline, 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 sanctions the Court will impose.

6. The Director and respondent join in recommending that the appropriate discipline is an indefinite suspension with a two-year minimum term retroactive to November 1, 1999. The

reinstatement hearing provided for in Rule 18, RLPR, is not waived. Reinstatement is conditioned upon: (1) payment of costs in the amount of \$900 plus interest and disbursements in the amount of \$176.25 plus interest pursuant to Rule 24(d), RLPR; (2) compliance with Rule 26, RLPR; (3) successful completion of the professional responsibility examination pursuant to Rule 18(e); and (4) satisfaction of the continuing legal education requirements pursuant to Rule 18(e), RLPR.

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

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

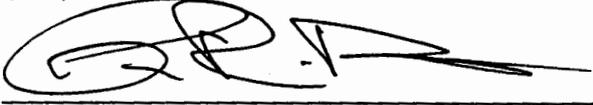
9. Respondent has been advised of the right to be represented herein by an attorney but has freely chosen to appear *pro se*.

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

Dated: March 15th, 2000, ~~1999.~~


EDWARD J. CLEARY
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 17267
25 Constitution Avenue, Suite 105
St. Paul, MN 55155-1500
(651) 296-3952

Dated: MARCH 15, 2000, ~~1999.~~


PATRICK R. BURNS
SENIOR ASSISTANT DIRECTOR
Attorney No. 134004

Dated: March 15th 2000


GREGORY ALLEN CARPENTER
RESPONDENT
Attorney No. 263898
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