

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary
Action against ROBERT W. DYGERT,
an Attorney at Law of the
State of Minnesota.

**STIPULATION FOR DISPENSING
WITH PANEL PROCEEDINGS,
FOR FILING PETITION FOR
DISCIPLINARY ACTION,
AND FOR DISCIPLINE**

THIS STIPULATION is entered into by and between Edward J. Cleary, Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and Robert W. Dygert, 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. These allegations may be summarized as follows:

a. Respondent induced clients and others to invest in a family-owned business by failing to provide adequate information regarding the financial status of the business and by promising to personally guarantee the investment, knowing that his guarantee was worthless, in violation of Rules 1.8(a) and 8.4(c), Minnesota Rules of Professional Conduct.

b. By way of explanation respondent states that the representations he made about the growth of OCC he believed were true and were made in good faith, and that he justified his guarantee of the loans because up to shortly before the bankruptcy was filed, OCC was always in a position to pay any Junior Mortgage Note Holder who wanted his or her money back. In 1997 and 1998, OCC incurred large outside obligations in building a new plant and remodeling its existing plant, such that at the time of bankruptcy, OCC was unable to meet the requests for withdrawal of funds. Respondent had no assets from which to make good on his personal guarantees, but never expected he would have to do so.

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 based on the allegations of the petition is disbarment pursuant to Rule 15, RLPR. Respondent agrees to the imposition and payment of \$900 in costs and disbursements pursuant to Rule 24, 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.

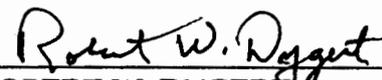
Dated: March 1, 2000.


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: Feb 29, 2000.


CANDICE M. HOJAN
SENIOR ASSISTANT DIRECTOR
Attorney No. 125982

Dated: March 3, 2000.


ROBERT W. DYGERT
RESPONDENT
Attorney No. 25197
717 East 57th Street
Minneapolis, MN 55417