

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against LUKE ENGLERT ENNO,
a Minnesota Attorney,
Registration No. 350187.

**PETITION FOR
DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

The Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this petition upon the parties' agreement contained in the attached stipulation for probation (Exhibit I) pursuant to Rules 10(a) and 12(a), Rules on Lawyers Professional Responsibility (RLPR). The Director alleges:

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on October 28, 2005. Respondent currently practices law in Maple Grove, Minnesota.

INTRODUCTION

On February 8, 2013, respondent and the Director entered into a stipulation for private probation. Respondent's probation was based upon an admission that respondent violated Rules 1.16(d), and 8.1(b), Minnesota Rules of Professional Conduct (MRPC), and Rule 25, RLPR, in that he failed to communicate to his client that he was no longer representing that client, and in that he failed to cooperate with the resulting disciplinary investigation.

Among the conditions of respondent's probation was that respondent would abide by the Minnesota Rules of Professional Conduct and commit no further unprofessional conduct, and that if, after giving respondent an opportunity to be heard, the Director concluded that respondent had not complied with the conditions of the probation, then the Director could file this petition without the necessity of Panel

proceedings. Within the agreement, respondent specifically waived his right to consideration of such charges by the Panel or Panel Chair (Ex. 1 at ¶ 6).

Also among the conditions of respondent's probation were the following:

1. Pursuant to paragraph 5.c., respondent was required to provide the Director with the names of four attorneys willing to be nominated as respondent's probation supervisor.

2. Pursuant to paragraphs 5.c. and 5.d., respondent was required to submit an inventory of active client files to the Director, and continue doing so until a supervisor was appointed.

3. Pursuant to paragraphs 5.e. and 5.f., respondent was required to initiate and maintain office procedures to ensure prompt responses to correspondence, telephone calls, and other communications, and provide a written plan outlining such procedures to the Director and to the probation supervisor.

4. Pursuant to paragraphs 5.a. and 5.g., respondent was to initiate or continue current treatment by a licensed consulting psychologist or other mental health professional acceptable to the Director. In order to allow the Director to verify respondent's compliance with this requirement, respondent was to provide the Director with signed medical authorizations containing the name, address and telephone number of his doctor, psychologist, counselor and/or other mental health professional.

The Director, after giving respondent an opportunity to be heard, has concluded that respondent has not complied with the conditions of the probation.

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

1. Respondent failed to abide by the terms of paragraph 5.c. of his probation in that he did not provide the Director with the names of four attorneys willing to be nominated as his probation supervisor.

2. Respondent failed to abide by the terms of paragraphs 5.c. and 5.d. of his probation in that he failed to submit an inventory of active client files to the Director.

3. Respondent failed to abide by the terms of paragraphs 5.e. and 5.f. of his probation in that he failed to provide a written plan to the Director outlining office procedures designed to ensure that respondent was in compliance with probation requirements.

4. Respondent failed to abide by the terms of paragraphs 5.a. and 5.g. of his probation, in that he failed to provide the Director with signed medical authorizations containing the name, address and telephone number of his doctor, psychologist, counselor and/or other mental health professional, so that his continuing treatment could be confirmed.

5. Respondent, by failing to comply with the conditions of a stipulated probation, engaged in conduct prejudicial to the administration of justice, in violation of Rule 8.4(d), MRPC.

SECOND COUNT

6. On March 1, 2013, the Director wrote to respondent outlining respondent's obligations under the terms of paragraph 5 of the stipulated probation, and requested the names of four attorneys willing to be supervisors, an active client inventory, written office procedures, and completed medical authorizations within two weeks. Respondent did not respond to the Director's March 1, 2013, letter, did not provide the requested information, and failed to contact the Director to request an extension of the time in which to respond.

7. On May 24, 2013, the Director again wrote to respondent regarding his obligations under the terms of the stipulated probation and requested a response within two weeks. A copy of the Director's March 1, 2013, letter was enclosed with the May 24, 2013, correspondence. Respondent did not respond to the Director's March 1, 2013, letter, did not provide the requested information, and failed to contact the Director to request an extension of the time in which to respond.

8. On July 16, 2013, the Director wrote to respondent regarding his failure to respond to the Director's March 1, 2013, and May 24, 2013, letters. The July 16, 2013, correspondence also notified respondent that he was to attend a meeting in the

Director's Office on July 25, 2013, to discuss his failure to cooperate with the terms of the stipulated probation and to address why the Director should not, pursuant to paragraph 6 of the stipulation, file a petition for disciplinary action and revocation of respondent's probation. Respondent was also directed to bring the previously requested information to the July 25, 2013, meeting.

9. Respondent did not attend the July 25, 2013, meeting.

10. On July 25, 2013, the Director's Office left a voicemail message for respondent, requesting a call back to discuss compliance with respondent's probation. Respondent did not contact the Director.

11. On August 13, 2013, the Director's Office sent a letter to respondent, requesting that he contact the Director's Office by August 27, 2013. Respondent did not do so.

12. On September 17, 2013, the Director issued a notice of investigation advising respondent of the Director's intent to investigate whether respondent was in compliance with the terms of his probation. Respondent did not contact the Director with any questions regarding the notice of investigation, nor did he provide the information previously requested.

13. On October 3, 2013, the Director left an additional telephone message for respondent at the number listed on respondent's Web site, and sent an email message for respondent at the email address listed on respondent's Web site. The Director received no response.

14. On October 9, 2013, the Director wrote to respondent reminding him of his obligation to comply with reasonable requests from the Director and requesting that, within seven days, respondent furnish a written explanation covering the matter under consideration. Respondent did not respond to the Director's October 9, 2013, letter, did not provide the requested information, and failed to contact the Director to request an extension of time in which to respond.

15. On October 15, 2013, the Director left a voicemail message for respondent requesting a return call. Respondent did not contact the Director as requested.

16. On October 17, 2013, the Director sent a letter to respondent, requesting that he appear at the Director's Office on November 1, 2013, to produce his response to the notice of investigation and all previously requested documents. Respondent did not appear, and did not contact the Director to request an extension or to explain his absence.

17. Despite the requirements of his probation, and despite receiving at least ten communications from the Director requesting compliance, contact, and/or information, respondent has not communicated with the Director's Office since January 31, 2013.

18. Respondent's conduct violated Rule 8.1(b), MRPC, and Rule 25(a), RLPR.

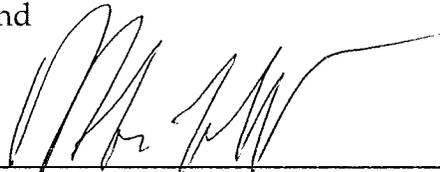
WHEREFORE, the Director respectfully prays for an order of this Court imposing appropriate discipline, awarding costs and disbursements pursuant to the Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: November 4, 2013.



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