

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against FREDERICK AUGUST FINK,
a Minnesota Attorney,
Registration No. 165840.

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

THIS STIPULATION is entered into by and between Patrick R. Burns, First Assistant Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and Frederick August Fink, 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 which may be summarized as follows:

a. Respondent, while prosecuting a criminal case, failed to disclose to defense counsel the existence of previously undisclosed records of scientific tests conducted on behalf of the prosecution and failed to correct a prior statement he made to the court that the underlying test data had been destroyed, in violation of Rules 3.3(a)(1), 3.4(c), and 8.4(d), Minnesota Rules of Professional Conduct (MRPC).

5. By way of mitigation, the Director and respondent note that the Ramsey County Attorney's Office retained Thomas B. Heffelfinger to investigate this matter. Heffelfinger found "no evidence from which one could reasonably conclude that [respondent] knowingly and intentionally concealed this information in an attempt to mislead the court and/or defense counsel. Rather, [respondent] regularly and consistently viewed this issue as solely an issue of admissibility under Rule 703 of the Minnesota Rules of Evidence." In self-reporting this matter and in entering into this stipulation, however, respondent acknowledges that his failure to follow-up on the additional test report and to make the court aware of its existence violated his obligations under the MRPC.

6. 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.

7. The Director and respondent join in recommending that the appropriate discipline is a public reprimand pursuant to Rule 15, RLPR. Respondent agrees to the imposition and payment of \$900 in costs pursuant to Rule 24, RLPR.

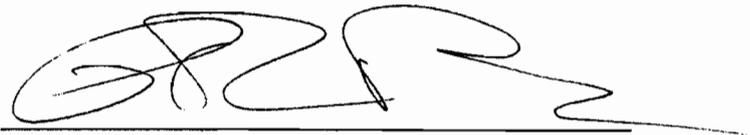
8. This stipulation is entered into by respondent freely and voluntarily, without any coercion, duress or representations by any person except as contained herein.

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: August 25, 2008.



PATRICK R. BURNS
FIRST ASSISTANT DIRECTOR OF THE
OFFICE OF LAWYERS PROFESSIONAL
RESPONSIBILITY

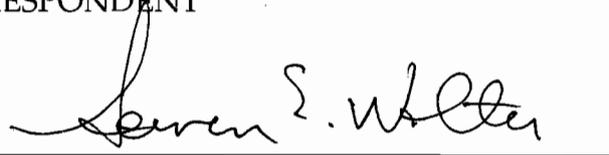
Attorney No. 134004
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102-1218
(651) 296-3952

Dated: 8.28, 2008.



FREDERICK AUGUST FINK
RESPONDENT

Dated: August 28, 2008.



STEVEN WOLTER
ATTORNEY FOR RESPONDENT

Attorney No. 170707
Centre Village Offices
431 South Seventh Street, Suite 2350
Minneapolis, MN 55415
(612) 371-9090