

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against CAMILLE JONES FOSTER,
a Minnesota Attorney,
Registration No. 287921.

**PETITION FOR
DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

Upon the approval of the Chair of the Lawyers Professional Responsibility Board, the Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this petition pursuant to Rules 10(c) 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 30, 1998. Respondent currently resides in Annandale, Minnesota. Respondent is currently suspended for non-payment of a returned check for lawyer registration fees.

As more particularly alleged below, on March 4, 2009, respondent was convicted of a crime, theft-indifferent to owner rights, in violation of Minn. Stat. § 609.52, subd. 2(5)(i), a necessary element of which is theft within the meaning of Rule 10(c), RLPR. Pursuant to Minn. Stat. § 609.52, subd. 3, this crime is punishable by incarceration for more than one year.

FIRST COUNT

Tharaldson Matter

1. On February 26, 2008, respondent was charged with, among other counts, theft-indifferent to owner rights, in violation of Minn. Stat. § 609.52, subd. 2(5)(i).
2. On February 27, 2009, respondent pled guilty to the charge of theft-indifferent to owner rights.
3. On February 27, 2009, pursuant to Minn. Stat. § 609.52, subd. 3, respondent was sentenced pursuant to a stay of imposition of sentence and placed on probation to the Department of Corrections for a term of 0-2 years. As conditions of the probation, respondent is required to pay restitution as determined appropriate by the Department of Corrections, pay \$385 in fines and surcharges, pay \$300 to the public defender's fund, have no same or similar offenses, and obey all rules of probation.
4. Pursuant to Rule 19(a), RLPR, a lawyer's criminal conviction is conclusive evidence in disciplinary proceedings that the lawyer committed the conduct for which the lawyer was convicted.
5. Respondent's conduct violated Rule 8.4(b) and (c), Minnesota Rules of Professional Conduct (MRPC).

SECOND COUNT

Gorshe Matter

6. On or about March 25, 2007, Travis Gorshe ("Gorshe") hired respondent to file articles of organization with the Minnesota Secretary of State's office and to file an application for trademark with the United States Patent and Trademark Office. The agreement between the parties was that respondent would bill \$100 per hour for the legal work, with the total amount not to exceed \$5,000. Gorshe paid respondent \$5,000 on April 6, 2007. The fee agreement stated that the retainer amount would be deposited

in a trust account. Respondent did not deposit the \$5,000 retainer into a trust account, and expended the entire retainer amount prior to May 10, 2007.

7. Respondent falsely represented to Gorshe that prior to May 10, 2007, she had completed the articles of organization and submitted them to the Minnesota Secretary of State, and that she had paid filing fees by personal check to the Minnesota Secretary of State. Respondent further falsely stated that prior to May 10, 2007, she had completed a trademark application and sent such application to the United States Patent and Trademark Office, and that she had paid application fees by personal check to the United States Patent and Trademark Office.

8. Respondent did not send the Gorshe articles of organization to the Minnesota Secretary of State, nor did she send the Gorshe application for trademark to the United States Patent and Trademark Office.

9. Respondent did not send checks for filing fees to the Minnesota Secretary of State or the United States Patent and Trademark Office.

10. When this matter was being investigated by the Office of the Director of Lawyers Professional Responsibility, respondent falsely stated that she had submitted the articles of organization and the application for trademark. When asked to produce copies of the checks used to pay the filing fees, respondent produced to the DEC investigator the front side of check nos. 3015 and 3035 from Guaranty Bank account ending in 9489, in the amounts of \$135 and \$325, respectively, and repeated the assertion that the checks had been sent with applications to the Minnesota Secretary of State and the United States Patent and Trademark Office. The dates on those two checks were March 30, 2007, and April 20, 2007.

11. Guaranty Bank account ending in 9489, from which both checks were drawn, had been closed since September 6, 2006.

12. Respondent falsely stated to Gorshe on May 10, 2007, that 44.5 hours had been expended on the matter, with total filing fees of \$460. Little or no work had actually been completed, and no money had been expended on filing fees.

13. On January 29, 2008, respondent falsely stated to the Director's Office that the Guaranty Bank checks had not been cashed because she requested a stop payment order from Guaranty Bank.

14. Respondent's conduct violated Rules 1.5(a), 1.15(c)(5), 4.1, 8.1(a), and 8.4(c) and (d), MRPC, and Rule 25, RLPR.

THIRD COUNT

Mitchell Matter

15. On November 13, 2006, respondent consulted with Ralph V. Mitchell ("Mitchell"), an attorney who practices in the area of bankruptcy. Respondent hired Mitchell to represent Junction Properties, LLC, a Minnesota Limited Liability Corporation, in a Chapter 11 bankruptcy.

16. On or about November 14, 2006, respondent signed check no. 3014 from Guaranty Bank account number ending in 9500, in the amount of \$10,000. This amount was tendered to Mitchell in exchange for legal services.

17. At the time respondent signed check no. 3014, she was aware that there were not sufficient funds in the account to honor the check. That check was deposited by Mitchell, and returned for non-sufficient funds.

18. Respondent's conduct violated Rule 8.4(c) and (d), MRPC.

WHEREFORE, the Director respectfully prays for an order of this Court suspending respondent or imposing otherwise 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: April 16, 2009.



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and



ROBIN J. CRABB
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Pursuant to Rules 10(c) and 12(a), RLPR, this petition for disciplinary action is hereby approved.

Dated: April 20, 2009.



KENT A. GERNANDER
CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD