

FILE NO. A09-113

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary  
Action against MICHAEL FRANTS,  
a Minnesota Attorney,  
Registration No. 334066.  
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**SUPPLEMENTARY 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 supplementary petition for disciplinary action pursuant to Rules 10(e) and 12(a), Rules on Lawyers Professional Responsibility (RLPR).

Respondent is currently the subject of a December 10, 2008, petition for disciplinary action. The Director has investigated further allegations of unprofessional conduct against respondent.

The Director alleges that respondent has committed the following additional unprofessional conduct warranting public discipline:

SECOND COUNT

Misappropriation

16. Respondent represented Alexandru Obada and his minor son, Avel Obada, in a personal injury matter. Respondent appeared at arbitration hearings regarding no-fault benefits for Alexandru and Avel.

17. Sometime after the conclusion of the arbitration hearings, respondent informed Alexandru that the arbitrations were successful.

18. On or about March 22, 2007, the insurer issued a check in the amount of \$11,681.44 made payable to "ALEXANDRU OBADA & ATTORNEY MICHAEL

FRANTS." On or about April 12, 2007, the insurer issued a check in the amount of \$3,917.04 made payable to "AVEL OBADA & ATTORNEY MICHAEL FRANTS."

19. Respondent failed to inform his clients of his receipt of the checks. Respondent endorsed each check in his own name. Respondent also endorsed the check in the name of the client. Respondent had no authority to do so. Respondent failed to deliver any of the funds to, or to the benefit of, his clients. Instead, respondent paid the funds to himself.

20. Respondent thereby misappropriated these funds to his own benefit.

21. On February 2, 2009, the Director mailed to respondent notice of investigation of his conduct as set forth above. The notice requested respondent to meet with an Assistant Director on February 9, 2009, and to bring certain information and documents to that meeting.

22. On February 9, respondent did not appear. Approximately an hour after the meeting was supposed to begin, the Director received from respondent a letter sent by fax. In that letter, respondent stated that a few minutes previously he was going through his mail and came upon the notice of investigation. Respondent also stated that he was available to meet on February 16, 17 or 18, 2009, or any time during the week of February 23, 2009. Respondent did not provide any of the information or documents requested in the notice of investigation.

23. On February 12, 2009, an Assistant Director placed a telephone call to respondent and left a voice mail message for respondent to return the call. Respondent failed to do so.

24. By letter dated February 13, 2009, the Director requested respondent to meet with an Assistant Director on February 18, 2009, one of the dates on which respondent stated he was available, and to bring with him all of the information and documents requested in the notice of investigation.

25. On February 17, 2009, the Director's Office received a telephone call from T.M., who telephoned the Director's Office, stated that he was respondent's assistant and stated that he was calling at respondent's request to schedule a meeting. An Assistant Director advised T.M. that respondent already had a meeting scheduled for the following day (February 18, 2009). T.M. stated that respondent was out of the office on February 17 and 18, 2009, and would not return until February 24, 2009.

26. During that telephone call, T.M. and the Assistant Director agreed that respondent would meet at the Director's Office on February 25, 2009.

27. By letter to respondent dated February 18, 2009, the Director confirmed the February 25, 2009, meeting date and requested respondent to bring with him all of the information and documents requested in the notice of investigation. In light of the nature of the allegations (*i.e.*, misappropriation) the Director advised respondent that, because this was the second time the meeting had been rescheduled at respondent's request, it was not anticipated that any further requests for rescheduling would be granted.

28. On February 25, 2009, respondent failed to appear. That morning, respondent sent a fax to the Director's Office which stated that he was ill, and again requested to reschedule the meeting. Respondent did not provide with his February 25 letter any of the information or documents requested in the notice of investigation.

29. To date, respondent has not provided any of the information or documents requested in the notice of investigation.

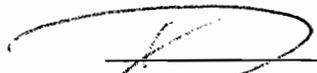
30. Respondent's conduct violated Rules 1.15(a) and 8.4(c), Minnesota Rules of Professional Conduct.

WHEREFORE, the Director respectfully prays for an order of this Court disbarring 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.

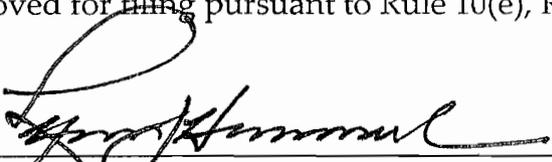
Dated: February 26, 2009.

  
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MARTIN A. COLE  
DIRECTOR OF THE OFFICE OF LAWYERS  
PROFESSIONAL RESPONSIBILITY  
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and

  
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TIMOTHY M. BURKE  
SENIOR ASSISTANT DIRECTOR  
Attorney No. 19248x

This supplementary petition is approved for filing pursuant to Rule 10(e), RLPR, by the undersigned.

Dated: March 3, 2009.

  
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LYNN J. HUMMEL  
PANEL CHAIR, LAWYERS PROFESSIONAL  
RESPONSIBILITY BOARD