

FILE NO. A05-719

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary
Action against ALBERT A. GARCIA, JR.,
a Minnesota Attorney,
Registration No. 219472.

**STIPULATION
FOR DISCIPLINE**

WHEREAS, a hearing on the Director's April 11, 2005 Petition for Disciplinary Action was held before Supreme Court Referee Frederick J. Casey on August 19, 2005 in St. Paul, Minnesota,

WHEREAS, Referee Casey filed with this Court the Findings of Fact, Conclusions of Law, and Recommendation for Discipline dated November 2, 2005,

WHEREAS, the respondent ordered a transcript of the hearing and could challenge the referee's findings and conclusions pursuant to Rule 14(e), Rules on Lawyers Professional Responsibility (RLPR), and a briefing order has been issued,

WHEREAS, the Director and respondent nevertheless agree that the Referee's recommendation for discipline is appropriate,

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the undersigned as follows:

1. The Director and respondent hereby waive briefing and oral argument to the Supreme Court.
2. The Director and respondent hereby stipulate that the Referee's findings of fact and conclusions of law are conclusive. Although respondent acknowledges there is evidence in the record or inferences from which finding 21 can be supported, and

thus that it is not clearly erroneous, respondent nevertheless disagrees with the referee's finding as contained in the final sentence of finding 21.

3. Respondent understands that based upon this stipulation, this Court may impose any of the sanctions set forth in Rule 15(a)(1) - (9), Rules on Lawyers Professional Responsibility (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 sanctions the Court will impose.

4. The Director and respondent join in recommending the discipline recommended by Referee Casey, namely:

a. that respondent be suspended from the practice of law for a period of thirty (30) days; the parties recommend that the suspension be effective fourteen (14) days from the date of the Court's order;

b. that respondent's reinstatement be pursuant to Rule 18(f), RLPR;

c. that respondent be required to successfully complete the written examination required for admission to the practice of law on the subject of professional responsibility within one year of his reinstatement;

d. that prior to his reinstatement, respondent provide to the Director a written plan satisfactory to the Director outlining office procedures designed to ensure that respondent is properly training and supervising all non-lawyer employees; and

e. that respondent pay \$900 in costs pursuant to Rule 24(a), RLPR, and comply with Rule 26, RLPR.

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

6. Respondent hereby acknowledges receipt of a copy of this stipulation.

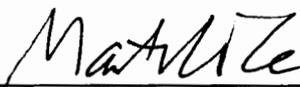
7. Respondent has been advised by the undersigned counsel concerning this stipulation and these proceedings generally.

IN WITNESS WHEREOF, the parties executed this stipulation on the dates indicated below.

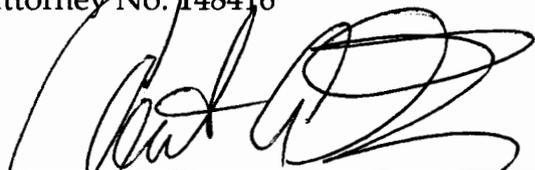
Dated: January 17, 2006.


BETTY M. SHAW
ACTING DIRECTOR OF THE OFFICE OF
LAWYERS PROFESSIONAL RESPONSIBILITY
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Dated: January 9, 2006.


MARTIN A. COLE
FIRST ASSISTANT DIRECTOR
Attorney No. 148416

Dated: Jan 12, 2006.


ALBERT A. GARCIA, JR.
RESPONDENT

Dated: 1/17, 2006.


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