

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary
Action against SCOTT K. GOLDSMITH,
an Attorney at Law of the
State of Minnesota.

**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 pursuant to Rules 10(a) and 12(a), Rules on Lawyers Professional Responsibility. The Director alleges:

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on September 26, 1975. Respondent currently practices law in Long Lake, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

Failure to File and Timely File State and Federal
Individual Income Tax Returns

1. Respondent had sufficient gross income in 1997, 1998, 1999 and 2000 to require him to file state and federal individual income tax returns.
2. Respondent failed to timely file his state individual income tax returns for 1997. Respondent filed his 1997 state individual income tax return late on December 19, 2001.

3. Respondent failed to file his state individual income tax returns for 1998, 1999 and 2000.

4. Respondent failed to timely file his 1997 federal individual income tax return. Respondent received two extensions to file his 1997 federal individual income tax return. Respondent's 1997 federal individual income tax return was due on October 15, 1998. Respondent filed his 1997 federal individual income tax return late on June 17, 1999. Respondent's federal individual income tax liability for 1997 is \$34,416.68.

5. Respondent failed to timely file his 1998 federal individual income tax return. Respondent received two extensions to file his 1998 federal individual income tax return. Respondent's 1998 federal individual income tax return was due on October 15, 1999. Respondent filed his 1998 federal individual income tax return late on April 18, 2002.

6. Respondent failed to file his federal individual income tax returns for 1999 and 2000.

7. Respondent's conduct violated Rules 8.4(b) and (d), Minnesota Rules of Professional Conduct (MRPC). *See, e.g., In re Tyler*, 495 N.W.2d 184 (Minn. 1992).

SECOND COUNT

Failure to File and Timely File State and Federal Employer Withholding Returns

8. Respondent maintains a law practice currently located in Long Lake, Minnesota. Between 1998 and 2001, respondent's law firm, Goldsmith & Associates, Ltd., employed and compensated employees. As an employer, respondent was required to withhold state and federal taxes from the wages of his employees and file state and federal employer withholding returns on their behalf.

9. Respondent failed to file all state quarterly employer withholding tax returns for 1998 and 1999. The DOR filed commissioner withholding returns on behalf of respondent as follows:

<u>Quarter Ended</u>	<u>Date Due</u>	<u>Date Commissioner Return Filed</u>
March 1998	04/30/98	11/16/00
June 1998	07/31/98	11/16/00
September 1998	10/31/98	11/16/00
December 1998	01/31/99	11/16/00
March 1999	04/30/99	03/23/01
June 1999	07/31/99	03/23/01
September 1999	10/31/99	03/23/01
December 1999	01/31/00	03/23/01

10. Respondent failed to timely file state quarterly employer withholding tax returns for all four quarters of 2000 and 2001. The DOR reports the dates on which respondent filed the withholding returns as follows:

<u>Quarter Ended</u>	<u>Date Due</u>	<u>Date Filed</u>
March 2000	04/30/00	11/05/01
June 2000	07/31/00	11/05/01
September 2000	10/31/00	11/05/01
December 2000	01/31/01	11/05/01
March 2001	04/30/01	11/05/01
June 2001	07/31/01	11/05/01
September 2001	10/31/01	11/27/01
December 2001	01/31/02	03/04/02

As of August 28, 2002, respondent's outstanding state employer withholding tax liability for the last quarter in 2001 was \$2,440.

11. Respondent failed to file all federal quarterly employer withholding returns during 1998, 1999, 2000 or 2001.

12. Respondent's conduct violated Rules 8.4(b) and (d), MRPC. *See, e.g., In re Gurstel*, 540 N.W.2d 838 (Minn. 1995).

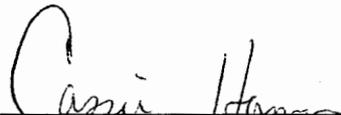
WHEREFORE, the Director respectfully prays for an order of this Court suspending respondent from the practice of law, awarding costs and disbursements pursuant to the Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: December 20, 2002.



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