

FILE NO. A04-1504
STATE OF MINNESOTA
IN SUPREME COURT

In Re Petition for Disciplinary Action
against DANIEL FRANCIS JAMBOR,
a Minnesota Attorney,
Registration No. 229520.

**STIPULATION
FOR DISCIPLINE**

THIS STIPULATION is entered into by and between Kenneth L. Jorgensen, Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and Daniel Francis Jambor, 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. Pursuant to the Rules on Lawyers Professional Responsibility (RLPR), the parties agree to dispense with further proceedings under Rule 14, RLPR, and respondent agrees to the immediate disposition of this matter by the Minnesota Supreme Court under Rule 15, RLPR.
2. Respondent understands this stipulation, when filed, 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.
4. Respondent unconditionally admits the allegations of the petition, except as follows:
 - a. As to paragraphs 4 and 5 of the petition, respondent admits that neither he nor anyone acting on his behalf notified von Behren of the filing of the

affidavit of no answer and respondent's intention to proceed to default against von Behren. However, respondent asserts that he mistakenly believed that since von Behren had been served with the exact summons and complaint and had failed to answer, it was proper to proceed in the manner he did. Respondent now acknowledges that he proceeded improperly, but it was not his intent to mislead the court.

b. As to paragraph 6 of the petition, respondent asserts that he did not believe that von Behren's address was 7134 – 16th Avenue South, Richfield. However, respondent acknowledges that weeks earlier von Behren had asserted in a restraining order petition that he resided at 7134 – 16th Avenue South, Richfield.

c. Respondent denies that he violated Rules 3.3(a)(4) and 8.4(c) but admits that his conduct in using the affidavit of service from the dismissed 2000 lawsuit to obtain a default judgment in the 2001 lawsuit violated Rule 1.1, Minnesota Rules of Professional Conduct (MRPC). Respondent also admits that his conduct in telling the court that he did not know von Behren's address violated Rules 3.3(a)(1) and 8.4(d), MRPC.

5. 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 sanctions the Court will impose.

6. The Director and respondent join in recommending that the appropriate discipline is a 6-month suspension pursuant to Rule 15, RLPR. The reinstatement hearing provided for in Rule 18, RLPR, is not waived. Reinstatement is conditioned upon: (1) payment of costs in the amount of \$900 pursuant to Rule 24(d), RLPR; (2) compliance with Rule 26, RLPR; (3) successful completion of the professional responsibility examination pursuant to Rule 18(e); and (4) satisfaction of the continuing legal education requirements pursuant to Rule 18(e), RLPR. Upon reinstatement, respondent shall be placed on two

years of supervised probation as provided by the Court's earlier order. *In re Jambor*, 598 N.W.2d 690 (Minn. 1999).

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

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

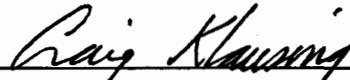
9. Respondent has been advised by the undersigned counsel concerning this stipulation and these proceedings generally.

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

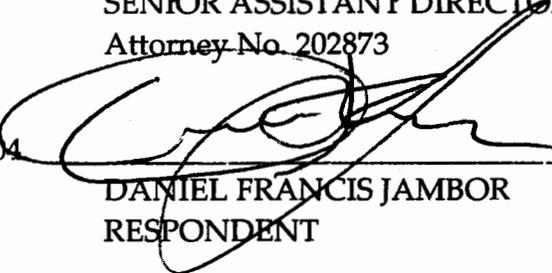
Dated: October 18, 2004.


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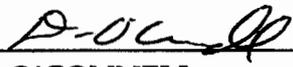
Dated: October 18, 2004.


CRAIG D. KLAUSUNG
SENIOR ASSISTANT DIRECTOR
Attorney No. 202873

Dated: October 21, 2004 2004


DANIEL FRANCIS JAMBOR
RESPONDENT

Dated: October 22, 2004.


DAN O'CONNELL
ATTORNEY FOR RESPONDENT
Attorney No. 130138
West 1100 First National Bank Building
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MEMORANDUM

Given respondent's prior discipline and the misconduct cited herein, a suspension longer than the six months would otherwise be warranted. However, respondent has been suspended from the practice of law since June 29, 2001, and was eligible to petition for reinstatement as of June 29, 2003. With this additional period of suspension, respondent will not be eligible for reinstatement until April of 2005.

K.L.J.