

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against BENT KARLSEN,
a Minnesota Attorney,
Registration No. 254344.

**PETITION FOR
DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

Upon the approval of a Lawyers Professional Responsibility Board Panel Chair, the Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this petition pursuant to Rules 10(d) 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 May 5, 1995. Respondent last practiced in Detroit Lakes, Minnesota.

Respondent was suspended on April 1, 2007, for nonpayment of attorney registration fees.

Respondent has committed the following unprofessional conduct warranting public discipline:

Introduction

1. Prior to January 2005, respondent practiced law in a solo practice known as "Karlsen Law Firm, P.C.," that was located at 1135 Washington Avenue, Detroit Lakes, MN 56501-0007.

2. From January 2005 until July 2005, respondent's law practice was located at 1265 Highway 10 West, Suite 4, Detroit Lakes, MN 56502-0007. In July 2005, respondent joined his law practice with attorney Linda Hunt in a law firm known as

"Hunt Karlsen Law" (HKL), which was located at 910 Lincoln Avenue, P.O. Box 743, Detroit Lakes, MN 56501. Prior to joining HKL and after leaving HKL, respondent maintained post office box 7 at the Detroit Lakes Post Office.

3. Respondent remained with HKL until August 2006. On August 29, 2006, respondent removed his client files from HKL and terminated his association with the firm on August 31, 2006. When respondent left HKL, he took with him all of his immigration law cases, including the cases described below.

4. Respondent also left an instruction with the Detroit Lakes Post Office that mail addressed to him at HKL was to be forwarded to his post office box. HKL also forwarded any mail that was mistakenly delivered to respondent at HKL to his post office box.

5. After August 31, 2006, respondent practiced law on a part-time basis and did not maintain a physical law office. Respondent initially worked for two different mortgage companies in Detroit Lakes, Minnesota, upon leaving HKL, including Lakes Mortgage Group, located at 920 Washington Avenue, Detroit Lakes, MN 56501.

6. Respondent maintained his post office box in Detroit Lakes, Minnesota, until approximately May 26, 2007, at which time he closed it, leaving no forwarding address information.

FIRST COUNT

Vasyl Tkach Matter

7. Vasyl Tkach, Ph.D., is a Ukrainian national and a professor of biology at the University of North Dakota (UND). In February 2005, UND obtained an H1-B visa for Tkach.

8. Tkach retained respondent in July 2005 to submit green card and labor certification applications to the United States Customs and Immigration Service (USCIS). Tkach paid respondent \$600, which was the first half of respondent's retainer fee.

9. Tkach explained to respondent that an Application to Register Permanent Residence or Adjust Status (green card application) would have to be submitted immediately in his case to comply with the 18-month deadline from the date Tkach was offered his teaching position, which was due to expire in October 2005.

10. In September 2005, Tkach provided respondent with paperwork and documents to prepare and submit his labor certification application. By October 21, 2005, Tkach had heard nothing from respondent, so after locating respondent with the help of a local journalist, Tkach sent an e-mail message inquiring about the status of his case.

11. On October 24, 2005, respondent replied by e-mail to Tkach. Respondent told Tkach his law firm had merged with another firm in August 2005. Respondent also told Tkach that he had received necessary "prevailing wage" information from UND and was "in the process" of submitting Tkach's labor certification application, although it was already past the deadline for him to do so.

12. Because respondent failed to submit Tkach's application by the 18-month deadline, he suggested to Tkach that they attempt to obtain a "National Interest Waiver" (NIW) instead. A NIW is a process for applicants who are "members of the professions holding advanced degrees or their equivalent" that bypasses the labor certification application process. In September 2006, Tkach submitted documents and information to respondent in order to prepare and submit a NIW application. Tkach paid respondent additional attorney fees of \$600 and an additional \$2,400 for filing and other government fees.

13. In an e-mail message to Tkach dated October 10, 2006, respondent stated that Tkach's NIW application was sent "last week," and that "it should take 30 days or so before I hear anything."

14. On November 22, 2006, Tkach inquired of respondent by e-mail about the status of his NIW application. In an e-mail response to Tkach dated November 30, 2006,

respondent stated: "I have checked on your petition. They are telling me that there is a delay due to re-organization. Everything is Ok just that it will take longer to receive anything from them. I will follow up. Have a great day! Bent." Respondent's statement was false because he had never filed such an application with the USCIS.

15. In an e-mail message to Tkach dated January 8, 2007, respondent stated as follows: "I am trying to figure out the status. I am waiting for the Immigr. response. They told me they would get back to me by Wednesday. Will let you know. —Bent"

16. In an e-mail message to Tkach dated January 11, 2007, respondent stated as follows: "I have been told the receipts are 'just around the corner.' —Bent." Respondent's statement was false because he had no such contact with USCIS about Tkach's case.

17. On February 16, 2007, Tkach sent respondent an e-mail message in which he stated he was "really worried" about his employment certification application case because he had contacted USCIS and was told there was no record of his case. Respondent failed to respond to the message, so Tkach re-sent it to respondent on February 28, 2007. Tkach also noted that he had been unsuccessful in numerous efforts to reach respondent by phone. Respondent replied to Tkach, but again failed to provide a receipt number or other verification that he had actually submitted Tkach's NIW application.

18. On March 15 and 19, 2007, Tkach sent additional e-mail messages to respondent about the status of his case. In an e-mail message to Tkach dated April 2, 2007, respondent told Tkach that he would be out of the office temporarily due to the death of his father-in-law, but would check on his case when he returned. Respondent also stated: "I did my thing," which Tkach interpreted to mean that respondent had submitted his NIW application.

19. In an e-mail message to Tkach dated April 9, 2007, respondent told Tkach that his documents "should go out in the mail today." Respondent also provided Tkach

with a copy of the petition he stated had been submitted to USCIS, but it was incomplete.

20. Respondent also provided a phone number for Tkach to call him since, to that date, Tkach had never been able to reach respondent by phone. Respondent never filed an application with USCIS and he had no conversations or communication with USCIS about Tkach's case. The phone number respondent provided, (218) 234-5657, was not valid and Tkach was not able to reach respondent this way. Respondent offered to refund Tkach's money, but never did so.

21. On June 5, 2007, respondent wrote to Tkach on "Karlsen Law Firm" letterhead that was printed with the following address and phone number: 920 Washington Avenue, Detroit Lakes, Minnesota, 56501, which is the address of Lakes Mortgage in Detroit Lakes, Minnesota.

22. Respondent asked whether Tkach still wanted respondent to represent him and, if so, to "provide the corrections" to Tkach's application. In a letter to respondent dated June 11, 2007, Tkach declined respondent's offer to continue representing him. Tkach noted that respondent's delay in handling Tkach's immigration case jeopardize the chances of Tkach's son to be accepted to college on scholarship.

23. In July 2007, UND submitted a green card application with a request for a national interest waiver for Tkach as Outstanding Professor/Researcher. The application is pending.

24. In October 2007, UND obtained an extension of Tkach's H-1B visa to November 2010.

25. Respondent's conduct in failing to diligently pursue Tkach's case, failing to adequately communicate with Tkach, and in making false or misleading statements to Tkach violated Rules 1.3, 1.4(a)(1), 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), and 8.4(c), Minnesota

Rules of Professional Conduct (MRPC). Prior to October 1, 2005, respondent's conduct violated Rules 1.3, 1.4(a), 1.4(b), and 8.4(c), MRPC.

SECOND COUNT

Ewan Delbridge Matter

26. Ewan Delbridge is an Australian national and a former professor of chemistry at the UND.

27. In September 2004, Delbridge retained respondent to submit a green card application on Delbridge's behalf. In total, Delbridge paid respondent \$3,500 for legal fees and costs.

28. On May 20, 2005, respondent submitted a notice of appearance as an attorney to USCIS. Respondent listed his address this way on the notice of appearance:

Karlsen Law Firm P.C. P. O. Box 7, 1205 Highway 10 W. Suite 4,
Detroit Lakes, MN 56502-0007

Respondent also listed his address this way on Delbridge's May 20, 2005, green card application.

29. In November 2005, Delbridge was requested to submit fingerprints by the USCIS. Respondent informed Delbridge that the green card application process was nearly complete and that Delbridge could expect to receive a green card within six months.

30. On December 28, 2005, USCIS sent a "Request for Evidence" to respondent in Delbridge's case. The request stated that the documentation submitted with Delbridge's green card application was insufficient, and that by March 22, 2006, respondent should submit two passport-style color photos of Delbridge and a letter from UND describing Delbridge's job and related information. Respondent failed to inform Delbridge of his receipt of this notice and failed to respond to USCIS.

31. By letter dated May 1, 2006, USCIS notified respondent that Delbridge's green card application was denied. The letter was sent to respondent at "Karlsen Law

Firm PC, P.O. Box 7, Detroit Lakes, MN 56502-0007.” Respondent did not provide Delbridge with a copy of USCIS’s denial or inform Delbridge that he had received it. On several occasions before and after April 27, 2006, respondent falsely assured Delbridge that he had checked on the status of his green card application and that it was pending and proceeding normally.

32. By e-mail to respondent sent on January 5, 2007, Delbridge asked respondent to provide him with the receipt number in his case that was issued by USCIS so that Delbridge could check on the status of his case himself. By e-mailed reply on January 8, 2007, respondent told Delbridge that he had checked on the case and expected to hear again from USCIS shortly. Respondent’s statements were false because Delbridge’s case had already been dismissed.

33. By e-mail sent on January 16, 2007, Delbridge told respondent that he had learned from USCIS that, in December 2005, USCIS had requested additional information from respondent. Delbridge expressed concern about his case and requested an immediate response from respondent. Respondent failed to respond and has had no further contact with Delbridge.

34. In December 2006, Delbridge was married. In March 2007, Delbridge retained a new attorney, Jay Knudson, who submitted a green card application on Delbridge’s behalf based on his marriage. In July 2007, Delbridge obtained a green card. Delbridge has left UND and is now employed as a research chemist by a private company.

35. Respondent’s conduct in failing to diligently pursue Delbridge’s case, failing to adequately communicate with Delbridge, and in making false or misleading statements to Delbridge violated Rules 1.3, 1.4(a)(1), 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), and 8.4(c), MRPC. Prior to October 1, 2005, respondent’s conduct violated Rules 1.3, 1.4(a), 1.4(b), and 8.4(c), MRPC.

THIRD COUNT

Olgun Sahin Matter

36. Olgun Sahin is a Turkish national who is a professor of business at Minnesota State University Moorhead.

37. In August 2004, Sahin retained respondent to represent him in submitting a green card application on Sahin's behalf to the USCIS. Sahin signed a fee agreement with respondent in August 2004 and paid a retainer fee of \$1,200 and a filing fee of \$765.

38. On April 15, 2005, respondent submitted a Petition for Alien Relative on behalf of Sahin's wife, Mary McGilligan-Sahin (as petitioner) and Sahin (as beneficiary), which is the first step in obtaining a green card for a relative. Respondent also submitted a green card application to USCIS and an Application for Employment Authorization to the United States Department of Labor (USDOL) on Sahin's behalf.

39. On May 11, 2005, USCIS sent a "Request for Missing Initial Evidence" to respondent, requesting that he submit, within 87 days, further evidence in support of Sahin's green card application. On August 10, 2005, respondent submitted copies of pages from Sahin's passport and proof of Sahin's nonimmigrant status (a "Form 94" arrival/departure record), but failed to submit a copy of Sahin's birth certificate translated into English, a critical omission. Respondent did not provide Sahin with copies of what he had submitted to USCIS.

40. On September 26, 2005, USCIS issued a decision denying Sahin's green card application to respondent at P.O. Box 7, 1265 West Highway 10, Suite 4, Detroit Lakes, MN 56502-0007. USDOL also denied Sahin's employment authorization. Respondent failed to notify Sahin of these developments.

41. On November 7, 2005, during a scheduled visit to USCIS offices in Bloomington, Minnesota, to discuss his employment authorization application, Sahin learned, for the first time, that his applications for a green card and employment authorization had been denied.

42. Later on November 7, 2005, Sahin e-mailed respondent about the status of his case. Sahin asked if respondent had submitted a waiver for foreign residency and, if not, whether that omission would cause an automatic denial of his green card application. Respondent responded to Sahin's e-mail on November 8, 2005.

Respondent stated the following:

OLGUN: I checked your status online with the USCIS. Your case according to that has not been denied. It says it is pending. I am waiting for a phone call from an attorney in Minneapolis to talk with as to options. Since your petition appears to be pending with the National Benefit Center, I can write and ask about your case, but they do not accept phone calls. Will get back to you when I know more. Sometimes the local office doesn't know or understand what is going on, and maybe they told you something that is not right. Hopefully I can get some response though.
-Bent

43. Respondent's statements were false because, in fact, neither Sahin's green card nor his employment authorization applications were pending on November 8, 2005. There had been no change in Sahin's green card application case since the denial by USCIS on September 26, 2005. Sahin's employment authorization application was initially approved on August 1, 2005, but was reopened by USDOL and denied on September 26, 2005, and then reopened by USDOL and denied again on September 28, 2005.

44. On November 16, 2005, Sahin e-mailed respondent again, asking what he had found out from USCIS about Sahin's green card application. Sahin indicated that USCIS's Web site referred to having received a response from Sahin, but Sahin told respondent he was unaware that respondent had submitted anything to USCIS.

45. Respondent did not respond to Sahin's November 16, 2005, e-mail message, so Sahin next e-mailed respondent on March 23, 2006. Sahin asked again if respondent had heard anything from USCIS about his applications, and also noted that

his Social Security number was incorrect in some of the documents respondent submitted to USCIS. Respondent failed to respond to Sahin's March 23, 2006, e-mail.

46. On April 16, 2006, Sahin wrote to respondent by certified U.S. mail about his case. In his letter, Sahin referred to three e-mail messages he had sent to respondent, on November 7 and 16, 2005, and on March 23, 2006, and noted the fact that respondent had failed to respond. Sahin also noted that he had learned from the office of Byron Dorgan, United States Senator from North Dakota, that Sahin's green card application had been denied on September 26, 2005, and that a letter to that effect had been sent to respondent.

47. On April 21, 2006, Sahin faxed a copy of USCIS's September 26, 2005, decision in his case to respondent along with a cover sheet that stated, "Need to talk as soon as possible on this!" Respondent responded to Sahin's April 21 fax by e-mail on April 25, 2006. Respondent wrote, in part, as follows:

I have been out of the office. received (sic) your fax. I have never seen that letter since it was sent to a different address. However, I do know that the denial is void and doesn't count for anything. They re-opened your case on their own motion after that. To be honest with you, your case is more complex than just the denial. It appears that they adjudicated your petition without doing the same to your wife, so that petition is hanging out there as well. I have sent the USCIS 3 letters asking for an explanation, however I have not received anything back yet. Anyway, there is no emergency as far as you being denied, deported, etc.

48. Respondent offered to meet with Sahin at the Moorhead Public Library to discuss his case.

49. On July 17, 2006, Sahin e-mailed respondent about his case, and also faxed a copy of the e-mail message to respondent. Sahin stated, in part, "I am writing to resolve the previous communications with you. At this point it is cleat (sic) to me that you are not going to respond to my earlier letter in writing and I do not see any

productive outcome that can be achieved by meeting with you. . . . Your immediate response is expected.” Sahin also requested reimbursement of legal fees he had paid.

50. Respondent responded to Sahin’s July 17, 2006, e-mail message a few minutes later. Respondent again offered to meet with Sahin, and stated that he had been “trying to contact the USCIS several times.”

51. On July 28, 2006, respondent met with Sahin about his case at the Moorhead Public Library. Respondent told Sahin he had written “letter after letter after letter after letter” to USCIS but had “no idea what was going on in [Sahin’s] case.” Respondent speculated that Sahin’s case “unfortunately someplace in that system just fell through the cracks or was mixed up with something else” Respondent denied receiving USCIS’s September 26, 2005, decision in Sahin’s case and claimed he had not seen it until Sahin faxed it to respondent on April 21, 2006.

52. Respondent told Sahin he did not understand why his application for employment authorization was reopened by USCIS on its own motion. Respondent offered to “take care of” Sahin’s case,” and would “file another motion asking that it be reopened, translate that document, and then we’ll be back in business.” Respondent and Sahin discussed reimbursement of Sahin’s legal fees. Respondent indicated that he would discuss Sahin’s request for reimbursement of legal fees and contact Sahin again on the following Tuesday, August 1.

53. On August 1, 2006, respondent sent an e-mail message to Sahin that began as follows: “Olgun: I need to know how we can trust that you don’t just receive money and turn around and file suit etc. anyway. Would you be willing to sign an agreement to that effect?” In the remainder of the message, respondent reported that he had some “personal issues” with his daughter to deal with and would contact Sahin again on Monday, August 7, 2006. Sahin did not hear from respondent on that date, so he sent another e-mail message to respondent on August 22, 2006. Respondent did not respond and had no further contact with Sahin.

54. Sahin was unsatisfied with respondent's legal work, so in April 2006 he hired immigration attorney Patrick Leung, and paid Leung a retainer fee of \$3,500 and filing fees of \$600.

55. In early May 2006, Leung submitted a new green card application to USCIS on Sahin's behalf, which was granted on August 26, 2006. Sahin's application for work authorization was also approved.

56. Respondent's conduct in failing to diligently pursue Sahin's case, and in failing to adequately communicate with Sahin violated Rules 1.3, 1.4(a)(1), 1.4(a)(2), 1.4(a)(3), and 1.4(a)(4), MRPC. Prior to October 1, 2005, respondent's conduct violated Rules 1.3, 1.4(a), and 1.4(b), MRPC.

FOURTH COUNT

Tahira Hashmi Matter

57. Tahira Hashmi was, until 2006, assistant director at the Indian Law Center at UND.

58. Hashmi, who is a Pakistani national, retained respondent in or about September 2004 to represent her in submitting a green card application and permanent employment certification applications.

59. Respondent submitted an application for permanent employment authorization on Hashmi's behalf on March 23, 2005, as the first step in obtaining a green card. Respondent informed Hashmi that the application would take seven to nine months to process.

60. On April 1, 2005, USCIS sent a "Center Receipt Notification Letter" to respondent to notify him that Hashmi's application had been forwarded to the "Backlog Processing Center." The notification letter also stated that, in order for the center to continue processing Hashmi's application, respondent was required to complete and return a "Selection of Continuation Operation Letter" within 45 days, and that failure to do so would result in dismissal of the application. Respondent notified UND that he

had received the April 1, 2005, notification letter, but failed to notify Hashmi, despite the fact that he and Hashmi exchanged at least four e-mail messages between May 5, 2005, and July 28, 2005.

61. In July 2005, Hashmi learned that respondent had received the April 1, 2005, notification letter from USCIS. Hashmi became concerned about this and about respondent's decision to submit Hashmi's application under the old filing system rather than a new "PERM" system. Hashmi had been told processing under the old system would take approximately three years and she only had approximately 18 months remaining on her H-1B visa.

62. In or about the third week of July 2005, Hashmi left three voice mail messages for respondent and sent an e-mail message to respondent about her case. Respondent failed to respond.

63. On July 25, 2005, Hashmi sent another e-mail message to respondent. She expressed concern about several things related to her case, including respondent's lack of communication and the fact that he had been in contact with administration at UND about Hashmi's case, but not with Hashmi. On July 28, 2005, respondent e-mailed the following reply to Hashmi:

Tahira: My firm and another law firm in town have merged. (We are in the process of moving now). I will get back to you on Monday. New Firm: Hunt Karlsen Law, Lincoln Professional Center, 910 Lincoln Avenue, Detroit Lakes, MN 56501
Phone 218-844-3155
Fax 218-847-5787

64. After receiving respondent's July 28, 2005, e-mail, Hashmi decided to retain a different attorney to complete her immigration case. Hashmi's new attorney pursued an alternate means of obtaining labor certification for Hashmi and submitted an application for a NIW. Hashmi's NIW application was approved.

65. Prior to October 1, 2005, respondent's conduct in failing to diligently pursue Hashmi's case, and failing to adequately communicate with Hashmi violated Rules 1.3, 1.4(a), and 1.4(b), MRPC.

FIFTH COUNT

Tatyana Dumova Matter

66. Tatyana Dumova is a Russian national who is a professor of communication at UND.

67. In February 2005, Dumova retained respondent to represent her in obtaining permanent labor certification from the USDOL. Dumova signed a fee agreement on February 15, 2005, and paid a \$1,500 retainer fee to respondent in two \$750 installments.

68. On May 16, 2005, respondent filed an "Application for Permanent Employment Certification" (application) with USDOL on behalf of UND (as petitioner) and Dumova (as beneficiary) along with a notice of his appearance as counsel. Respondent did not provide copies of the application and supporting documentation to either Dumova or UND at that time.

69. By letter dated July 19, 2005, USDOL notified respondent that Dumova's application had been denied on several grounds, including that it was not certified and was incomplete in several areas. The letter stated that UND, as petitioner, could request a review of the denial within 30 days.

70. On August 17, 2005, respondent requested that USDOL reconsider its denial of the application, but filed no additional supporting documentation as required by USDOL. Respondent did not provide a copy of the request to Dumova, but notified her by e-mail on August 18, 2005, that he had submitted it to USDOL.

71. On December 14, 2005, Dumova sent an e-mail message to respondent stating she had not heard from him about her case since August 2005. Dumova requested that respondent contact USDOL about her case before the end of 2005 and

report back to her. Respondent did not reply to Dumova until February 9, 2006, when he sent an e-mail message stating that he had "attempted to look into Dumova's appeal."

72. By certified letters to respondent dated March 19, 2006, and April 19, 2006, Dumova requested information about her case. Dumova also noted that respondent had failed to provide this information to UND, as required by law. Respondent did not respond to Dumova's letters.

73. On May 31, 2006, Dumova submitted a complaint to the Director's Office. On July 12, 2006, respondent provided a copy of Dumova's application and supporting documentation to Dumova and to UND.

74. USDOL will not consider a new application while there is a pending request for review or reconsideration of a previously denied application. Because respondent failed to take any further action on the application, in February 2007, Dumova requested that USDOL withdraw her request for reconsideration. The USDOL granted Dumova's request for withdrawal in March 2007.

75. Dumova has not, to date, submitted a new application to the USDOL. She has approximately two years remaining to work for UND under her H-1B visa, after which time she will have to apply for an extension of her visa and submit a new Application for Permanent Employment Certification if she wishes to remain in the United States.

76. Respondent's conduct in failing to diligently pursue Dumova's case and in failing to adequately communicate with Dumova violated Rules 1.3, 1.4(a)(1), 1.4(a)(2), 1.4(a)(3), and 1.4(a)(4), MRPC. Prior to October 1, 2005, respondent's conduct violated Rules 1.3, 1.4(a), and 1.4(b), MRPC.

SIXTH COUNT

Noncooperation and Failure to Cooperate with the Disciplinary Investigations

77. On January 8, 2007, Olgun Sahin's complaint was assigned to the Seventh District Ethics Committee (DEC) for investigation. A notice of investigation was sent to respondent at 910 Lincoln Avenue, Detroit Lakes, MN 56501 (HKL). On January 8, 2007, the Director instructed respondent to submit a written response to Sahin's complaint directly to the DEC investigator. Respondent failed to do so, and failed to respond to subsequent attempts by the DEC investigator to reach him.

78. On February 2, 2007, the DEC investigator sent a letter to respondent seeking a response to Sahin's complaint. Respondent failed to respond.

79. On April 12, 2007, the Director's Office received a letter from Tatyana Dumova (dated April 4, 2007) containing additional information about her complaint against respondent. On April 27, 2007, the Director's Office forwarded a copy of Dumova's letter to respondent at P.O. Box 7, Detroit Lakes, MN 56502, and requested that he respond to it. On May 29, 2007, the postal service returned the letter to the Director's Office marked "Not deliverable as addressed, unable to forward."

80. On May 1, 2007, the Director's Office sent notices of investigation in the matters of the complaints of Ewan Delbridge, Vasyl Tkach and Tahira Hashmi to respondent at P.O. Box 7, Detroit Lakes, MN 56502. The letters were returned to the Director's Office by the postal service on May 21, 2007, and marked "Return to Sender, Not Deliverable as Addressed, Unable to Forward."

81. On September 6 and 10, 2007, letters from the Director's Office to respondent and notices of investigation in the Robert Guansing and Mary & Suhad Reisenweber complaints were sent to respondent in care of Lakes Mortgage Group. The letters and notices were returned to the Director's Office by the postal service as undeliverable.

82. On September 13, 2007, a representative of the Director's Office contacted respondent's former law partner, Linda Hunt, and obtained a mobile phone number for respondent and also the name of his place of work, Lakeshirts, Inc., in Detroit Lakes, Minnesota. A Director's representative attempted to phone respondent on his mobile phone on September 13, 14, and 17, 2007, leaving a phone message requesting a return call to the Director's Office on each occasion. Respondent failed to respond.

83. On September 17, 18, and 19, 2007, a representative of the Director's Office attempted to contact respondent by phone at Lakeshirts, Inc., leaving messages for him to contact the Director's Office. Respondent did not respond until October 1, 2007 (see below).

84. On September 21, 2007, the Director's Office wrote to respondent about all pending complaints at 302 Oak Street, Detroit Lakes, MN 56501, which is, or recently was, respondent's home address. Respondent did not respond.

85. On October 1, 2007, respondent sent an e-mail message to the Director's Office from the following e-mail address: bkarlsendl@gmail.com. Respondent's message was as follows:

I undestand [sic] that you have attempted to contact me. At the present time I have a lot of personal issues to deal with, including medical issues and a divorce. Hopefully things will get better in the next couple of weeks and I will contact you then. Please do not call my employer. You have called there at least two times, talked with other supervisors than mine, called during day time when you know I am working nights, and even talked with the Human Resource person. When you present yourself as an attorney and informing them that I need to contact you, it creates a lot of rumours [sic] and gossip in the work place. Do not call there. You have my number 2318-234-5758. I will contact you when I am ready.

Regards,
Bent

86. The Director's Office replied to respondent's e-mail approximately 30 minutes after it was received. Respondent was asked to confirm his home address and

his telephone numbers, and was advised that the Director's investigation and the disciplinary process would proceed even if he did not respond. Respondent did not respond, and the Director's Office has had no further contact with respondent since October 1, 2007.

87. Respondent's non-cooperation in the disciplinary investigations described above violated Rules 8.1(a)(3) and 8.4(d), MRPC, and Rule 25, Rules on Lawyers Professional Responsibility (RLPR).

88. In January 2008, the Director's Office learned from Linda Hunt, respondent's former law partner, and from Becker County court records that respondent may be residing at 1333 Madison Avenue #207, Detroit Lakes, MN 56501.

89. On January 30, 2008, the Director served on respondent by mail charges of unprofessional conduct, notice of pre-hearing meeting, and notice of panel assignment. The charges were served on respondent by mail to three addresses in Detroit Lakes, Minnesota: (1) the Oak Street address that is, or was, respondent's homestead; (2) the Washington Avenue address used as a return address by respondent in his June 5, 2007, letter to Vasyl Tkach; and (3) the Madison Avenue address obtained from Linda Hunt and from Becker County court records. Charges mailed to respondent at the Oak Street and Washington Avenue addresses were returned as undeliverable. Charges mailed to respondent at the Madison Avenue address have not been returned by the postal service.

90. The notice and charges specifically stated that, pursuant to Rule 10(d), RLPR, flagrant non cooperation with the Director's Office, including failure to attend a pre-hearing meeting may, upon motion to the Panel Chair, result in the filing of a public petition for disciplinary action, without a Panel hearing. The notice stated that the pre-hearing meeting would be held at 9:00 a.m. on February 25, 2008.

91. Respondent failed to appear on February 25, 2008.

92. Respondent's failure to cooperate with the Director's investigation and disciplinary action violated Rule 8.1(a)(3), MRPC, and Rule 25, RLPR.

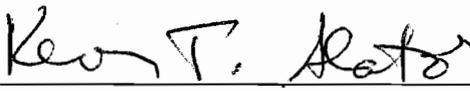
WHEREFORE, the Director respectfully prays for an order of this Court further suspending respondent or imposing otherwise appropriate discipline, awarding costs and disbursements pursuant to the Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just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

Dated: February 27, 2008.



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



KEVIN T. SLATOR
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Attorney No. 204584

This petition is approved for filing pursuant to Rules 10(d) and 12(a), RLPR, by the undersigned Panel Chair.

Dated: 5 March, 2008. 

JOSEPH V. FERGUSON
PANEL CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD