

FILE NO. A08-623

STATE OF MINNESOTA

IN SUPREME COURT

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

**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 March 5, 2008, petition for disciplinary action. Respondent has been suspended since April 1, 2007, for nonpayment of lawyer registration fees. 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:

SEVENTH COUNT

Reisenweber Matter

93. In or about April 2007, Mark and Suhad Reisenweber contacted respondent about the immigration status of Suhad and her child, Shirin Nour. Suhad (and Shirin) had been granted conditional lawful permanent residence (LPR) or "green card" status by U.S. Citizenship and Immigration Services (USCIS) as a result of Suhad's marriage to Mark.

94. Despite the fact that respondent's North Dakota and Minnesota attorney licenses had been suspended for failure to pay lawyer registration fees, respondent agreed to represent the Reisenwebers and file a "Petition to Remove the Conditions of Residence" (Form I-751 petition) to the USCIS on their behalf.

95. A Form I-751 petition is required to be filed during the 90 days immediately before the second anniversary that the petitioner was accorded conditional resident status. Failure to submit a Form I-751 petition can result in the initiation of proceedings by USCIS to remove the petitioner from the United States. In Suhad's case, she was granted conditional resident status in August 2005, so a Form I-751 petition was to be filed in her case by August 2007.

96. The Reisenwebers paid respondent \$845.00 on April 27, 2007, which included respondent's attorney fees, a filing fee of \$275.00, and a \$70 biometric fee.

97. On May 20, 2007, respondent wrote to the Reisenwebers to request an additional \$705.00. Respondent's request was based on his mistaken belief that Suhad and Shirin were required to submit separate Form I-751 petitions. The Reisenwebers did not pay the additional amount requested by respondent.

98. Respondent completed a Form I-751 petition for Suhad and Shirin. The Reisenwebers signed the petition on May 29, 2007, and respondent signed it June 1, 2007. Respondent told the Reisenwebers he would file the petition, but he failed to do so.

99. The Reisenwebers had difficulty reaching respondent about their case in June 2007. They finally reached respondent by phone sometime in June 2007. Respondent told the Reisenwebers he had filed the Form I-751 petition on June 1, 2007. Respondent never filed the petition and this statement was false.

100. Respondent forwarded to the Reisenwebers a purported copy of a cover letter to USCIS in Lincoln, Nebraska, that respondent claimed he had mailed along with the Form I-751 petition on June 1, 2007. Respondent never actually sent the letter or filed the petition and his statement to the Reisenwebers was false.

101. The Reisenwebers were unable to confirm with USCIS that their Form I-751 had been filed, so they continued to seek information from respondent about it. Respondent continued to insist to the Reisenwebers, falsely, that he had filed the Form I-751 petition.

102. By late June 2007, the Reisenwebers were still unable to confirm that their Form I-751 petition had been filed. By this time, respondent no longer returned their phone calls and they were unable to reach him.

103. On July 1, 2007, respondent sent a message to the Reisenwebers by e-mail and U.S. mail. Respondent stated that, because he assumed the Reisenwebers had hired an attorney to bring an action against him, he was withdrawing from representing them in the immigration matter. Respondent also asked that the Reisenwebers discontinue contacting him except by U.S. mail and only to inform him whether or not they had retained an attorney.

104. After respondent withdrew from representing the Reisenwebers, they submitted a Form I-751 petition on their own. USCIS granted the petition and removed the conditional status on Suhad's and Shirin's LPR status.

105. Respondent's conduct in failing to diligently handle the Reisenwebers' immigration matter and in failing to communicate with them beginning in June 2007 violated Rules 1.3, 1.4(a)(3), and 1.4(a)(4), Minnesota Rules of Professional Conduct (MRPC). Respondent's false statements to the Reisenwebers about the status of their Form I-751 petition violated Rules 4.1 and 8.4(c), MRPC. Respondent's conduct in

engaging in the practice of law while fee suspended violated Rules 5.5(a) and 8.4(d), MRPC.

EIGHTH COUNT

Pridday Matter

106. In August or September 2006, Beth and Paul Pridday retained respondent to submit a Form I-751 petition to USCIS on behalf of Paul Pridday, who was granted LPR in December 2004 as a result of his marriage to Beth Pridday. The Priddays paid respondent \$1,105.00 for attorney fees and filing fees.

107. Respondent prepared a Form I-751 petition, which he and the Priddays signed on September 29, 2006. Respondent told the Priddays he would file the petition, but failed to do so.

108. The Priddays contacted respondent periodically after September 29, 2006, to inquire about the status of their petition. Respondent told the Priddays he had inquired about their petition with USCIS but could get no response. Respondent concealed the fact that he had failed to file the Priddays' petition.

109. After hearing nothing from USCIS about their petition, the Priddays requested that respondent re-file it. Respondent agreed to do so. Respondent later falsely told the Priddays he had re-filed their petition on May 29, 2007. Respondent failed to inform the Priddays that his license was suspended on April 1, 2007, based on his failure to pay lawyer registration fees.

110. After hearing nothing from USCIS, the Priddays retained attorney Frank Gokey to represent them on July 12, 2007. The Priddays requested that respondent provide an affidavit about his efforts on their behalf in support of their request to convince USCIS they had good cause for filing their Form I-751 petition late.

111. On July 13, 2007, respondent executed an affidavit at the Priddays' request. In the affidavit, respondent stated, falsely, that he filed the Priddays' Form I-751 petition in September 2006 and re-filed it in May 2007.

112. On July 27, 2007, the Priddays' Form I-751 was returned to them by USCIS. A cover letter from USCIS stated that the reason for the rejection was that the petition was filed too late.

113. The envelope containing the Priddays' petition that USCIS received from respondent was also enclosed and returned to them. It was postmarked July 12, 2007, the same date the Priddays and Frank Gokey contacted respondent and asked that Gokey submit an affidavit in support of their request to have USCIS consider their late-filed petition for good cause.

114. Gokey re-filed the Priddays' Form I-751 petition. USCIS granted the petition, and removed the conditional status on Paul Pridday's LPR status.

115. Respondent's conduct in failing to diligently handle the Priddays' immigration matter violated Rule 1.3, MRPC. Respondent's conduct in misleading the Priddays after September 2006 about the status of their Form I-751 petition violated Rules 4.1 and 8.4(c), MRPC. Respondent's conduct in making false statements under oath in an affidavit dated July 13, 2007, violated Rules 4.1 and 8.4(c), MRPC. Respondent's conduct in engaging in the practice of law while fee suspended violated Rules 5.5(a) and 8.4(d), MRPC.

NINTH COUNT

Blom Matter

116. In January 2007, Kristen and Francois Blom retained respondent to submit a Form I-751 petition to USCIS on behalf of Francois Blom, who was granted LPR in

March 2005 as a result of his marriage to Kristen Blom. The Bloms paid respondent \$675.00 for attorney fees and filing fees.

117. Respondent prepared a Form I-751 petition, which he and the Bloms signed on January 5, 2007. Respondent told the Bloms he would file the petition, but failed to do so.

118. The Bloms attempted to contact respondent on several occasions about the status of their case in June, July, and August 2007. Kristen Blom left phone messages for respondent once or twice per week, but respondent never called her back.

119. In or about August 2007, Kristen Blom went to respondent's home to inquire about the status of their case. Respondent told her their application must have been lost, and suggested that they re-file it. In fact, respondent had not filed the application and concealed this fact from the Bloms. Respondent completed another Form I-751 petition. He told Kristen Blom that he would file it, but failed to do so. Respondent failed to inform the Bloms that, as of April 1, 2007, his license was suspended based on his failure to pay lawyer registration fees.

120. Kristen Blom attempted, without success, to reach respondent by phone about their case on several occasions in September and October 2007. Kristen Blom visited respondent at home again in October 2007. Respondent told her he would check on the status of their case with USCIS.

121. On October 7, 2007, respondent sent a letter to Francois Blom. The letter stated:

Dear Francois:

Just a note: They are behind with the applications. You should receive your doc. within the next 2-3 weeks. This for your orientation.

Regards, Bent.

122. On November 18, 2007, respondent sent a letter to Francois Blom to notify him that respondent was no longer practicing law because of an illness that “did not allow [respondent] to spend the time required on cases and clients in general.” Respondent suggested that the Bloms contact another attorney.

123. The Bloms retained attorney Frank Gokey to represent them in November 2007. Gokey filed the Bloms’ Form I-751 petition. USCIS granted the petition, and removed the conditional status on Francois Blom’s LPR status.

124. Respondent’s conduct in failing to diligently handle the Bloms’ immigration matter and in failing to adequately communicate with them beginning in August 2007 violated Rules 1.3, 1.4(a)(3), and 1.4(a)(4), MRPC. Respondent’s conduct in misleading the Bloms after October 2007 about the status of their Form I-751 petition violated Rules 4.1 and 8.4(c), MRPC. Respondent’s conduct in engaging in the practice of law while fee suspended violated Rules 5.5(a) and 8.4(d), MRPC.

TENTH COUNT

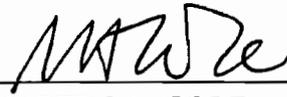
Failure to Cooperate with the Disciplinary Investigation: Gokey Matter

125. On January 28, 2008, a notice of investigation of Frank Gokey’s complaint was sent to respondent at 920 Washington Ave., Detroit Lakes, MN 56501 and to 1333 Madison Ave., #207, Detroit Lakes, MN 56501. The copy of the complaint that was sent to respondent at 920 Washington Ave., Detroit Lakes, MN 56501, was returned by the post office as undeliverable. The copy of the complaint that was sent to respondent at 1333 Madison Ave., #207, Detroit Lake, MN 56501, was not returned. Respondent failed to respond.

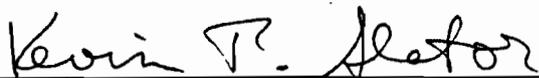
126. Respondent’s non-cooperation in the disciplinary investigations described above violated Rules 8.1(a)(3) and 8.4(d), MRPC, and Rule 25, RLPR.

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.

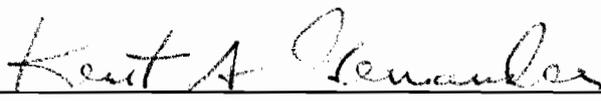
Dated: July 9, 2008.


MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 148416
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102-1218
(651) 296-3952

and


KEVIN T. SLATOR
ASSISTANT DIRECTOR
Attorney No. 204584

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

Dated: July 9, 2008. 
KENT A. GERNANDER
BOARD CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD