

FILE NO. \_\_\_\_\_

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary Action  
against ALAN FRANCIS MUSIELEWICZ,  
a Minnesota Attorney,  
Registration No. 207895.  
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**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 May 11, 1990. Respondent currently practices law in St. Paul, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

1. In late 2005, Aleisha Yohai, a.k.a. Martha Hoyt (hereinafter "Yohai"), received two checks totaling \$58,054.52 as a result of the distribution of her grandmother's estate.

2. Yohai met with respondent, a personal friend, in late 2005. Yohai was not then, nor at any time in these proceedings, respondent's client. Respondent knew that Yohai did not maintain personal bank accounts, and generally distrusted financial institutions. Respondent had cashed checks for Yohai through his business accounts on prior occasions.

3. Respondent suggested that Yohai give him the checks, and that he would deposit the checks into his law office trust account. He would then give Yohai the amounts of the checks in cash. Yohai agreed, and gave respondent the two checks. Yohai authorized respondent to deposit them into his trust account, hold her funds, and pay her cash at an unspecified time thereafter.

4. On January 1, 2006, there was a balance of \$24.36 in respondent's trust account. On January 13, 2006, respondent deposited Yohai's funds into his client trust account.

5. Respondent met with Yohai in late January 2006. Respondent gave Yohai \$1000 in cash, and told her that it would be best to treat the money as a loan to respondent. Respondent pledged to pay Yohai 8 percent interest, paid quarterly, and to make occasional payments on the principal. Respondent further stated that upon Yohai's request, he would produce the balance of the funds, though it may take him up to 90 days after such a request to do so. No documents were executed to memorialize any aspect of the arrangement. No security for a loan was offered by respondent or accepted by Yohai. Yohai did not believe that she had any option but to accept the arrangement.

6. Between January 13, 2006, and January 31, 2007, no additional funds, besides Yohai's \$58,054.52, were deposited into respondent's trust account. During that period of time, respondent withdrew nearly all of the money in his trust account (leaving approximately \$347 in the account as of February 1, 2007), and paid personal bills with the money.

7. Between January 13, 2006, and December 31, 2006, respondent paid \$6000 to Yohai in cash.

8. In or about January 2007, Yohai demanded the repayment of all the money. At that time, all or substantially all of the money had been spent by respondent. Respondent was unable to repay the remainder of the funds.

9. Respondent self-reported to the Director's Office on January 22, 2007.

10. After reporting to the Director's Office, respondent continued to repay funds to Yohai. To date, respondent has repaid to Yohai a total of \$50,274.17. Seven thousand seven hundred eighty dollars and thirty-five cents (\$7780.35) of Yohai's original fifty-eight thousand fifty-four dollars and fifty-two cents (\$58,054.52) remains to be repaid.

11. Respondent's conduct in depositing funds belonging to a third person, not in connection with a representation, into his trust account violated Rule 1.15, Minnesota Rules of Professional Conduct (MRPC).

12. Respondent's conduct in converting Yohai's funds into respondent's personal funds and maintaining them in his trust account violated Rule 1.15(a), MRPC.

WHEREFORE, the Director respectfully prays for an order of this Court imposing 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.

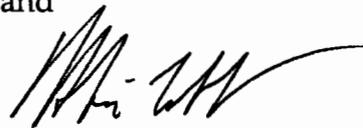
Dated: February 7, 2008.



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