

FILE NO. C0-00-1380

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary
Action against STEVE C. SAMBORSKI,
an Attorney at Law of the
State of Minnesota.

**SECOND 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 second 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 an August 8, 2000, petition for disciplinary action and a December 6, 2000, supplementary petition for disciplinary action. Respondent was temporarily suspended from the practice of law by this Court on August 24, 2000. The Director has received additional information and has investigated further instances of unprofessional conduct.

The Director alleges that respondent has committed the following additional unprofessional conduct warranting disbarment:

TWENTY-SEVENTH COUNT

Criminal Conduct - Hennepin County Matters

227. On August 22, 1999, the Minnetonka Police ticketed respondent for excessive speed and fined him \$117. When respondent failed to pay the fine, his driver's license was suspended and the court issued a bench warrant for his arrest.

228. On October 12, 2000, respondent issued a check drawn on a Women's Football League Account in the amount of \$187.50 payable to the City of Wayzata for license plate tabs. The check was returned unpaid and stamped "account closed." Despite being sent notice of the dishonored check, respondent failed to pay the worthless check.

229. On November 29, 2000, the Wayzata city attorney charged respondent with misdemeanor issuance of a worthless check and theft by check and summoned him to appear in court on December 18, 2000. When respondent failed to appear, the court issued a bench warrant for his arrest.

230. On December 6, 2000, respondent was arrested by the South Lake Minnetonka Police Department and charged with driving under the influence of alcohol and driving after suspension. Respondent was ordered to appear before the court. When respondent failed to do so, the court issued a bench warrant for his arrest.

231. On April 5, 2001, respondent was arrested by the Hennepin County Sheriff on a warrant arising from conduct occurring in Bloomington, Minnesota, between December 1 and December 31, 2000. As a result of this conduct respondent was charged with felony identity theft, aggravated forgery, attempted theft by swindle and check forgery. Respondent made a first appearance in court on April 6, 2001.

232. On April 9, 2001, respondent was arrested after leaving the Plymouth Leann Chin Restaurant without paying his \$31.95 bill for dinner and four glasses of wine.

233. On May 7, 2001, respondent pled guilty to the theft charges arising out of the Leann Chin Restaurant incident. Respondent was ordered to pay restitution and sentenced to 90 days in jail. Respondent's jail sentence was reduced by credit for 24 days served and was suspended for a year on condition that he not commit the same or similar conduct.

234. On May 25, 2001, respondent was charged with felony terroristic threats against his ex-wife. Respondent was charged with making approximately 20 phone calls to harass and intimidate his ex-wife and told her both that, "You're going to die tonight" and that, "In the next eight hours I've hired a hit man to kill you."

235. Respondent is scheduled to appear in Hennepin County on June 18, 2001, at 3:00 p.m. for the identity theft and terroristic threat charges.

Criminal Conduct - Crow Wing County Matters

236. On May 26, 2000, respondent issued a \$21.04 check drawn on a closed personal account payable to Tutt's Bait & Tackle. Despite being notified that the check was dishonored, respondent failed to pay for the check.

237. On July 18, 2000, the Crow Wing County attorney charged respondent with misdemeanor issuance of the dishonored check made payable to Tutt's Bait & Tackle and summoned respondent to appear before the court on August 21, 2000. Respondent failed to appear.

238. On September 30, 2000, respondent issued an \$820.05 check drawn on a Women's Football League account payable to Hunter's Bay Resort. The check was returned marked "account closed." Despite being notified that the check was dishonored, respondent has failed to pay for the check.

239. On October 6, 2000, the court issued a warrant for respondent's arrest due to his failure to appear in court on the misdemeanor dishonored check charge (\$21.04 to Tutt's Bait & Tackle).

240. On December 1, 2000, respondent was charged with felony theft by false representation for the \$820.05 dishonored check to Hunter's Bay Resort. Respondent was summoned to appear in court on January 11, 2001.

241. On January 6, 2001, the Baxter, Minnesota, Police ticketed respondent for driving after revocation. Respondent was ordered to appear in court on January 25, 2001.

242. Respondent failed to appear in Crow Wing County Court on either January 11 or January 25, 2001.

243. On or about February 26, 2001, respondent contacted the court and reset his court date to March 15, 2001. Respondent failed to appear on that date and on March 29, 2001, a warrant was issued for his arrest.

244. Respondent was apparently arrested on or about April 23, 2001, and was scheduled to appear in court on May 3, 2001. Respondent failed to appear.

245. Respondent appeared in court on May 31, 2001, obtained a public defender, requested an omnibus hearing and was released on bail.

246. On June 1, 2001, respondent was charged with felony offering of a \$3,000 forged check to Northern National Bank in Nisswa, Minnesota.

247. Respondent was scheduled to appear in court on June 11, 2001, for a hearing regarding the felony check matter but failed to appear.

Criminal Conduct - Morrison County Matters

248. Between October 11 and December 16, 2000, respondent wrote checks on a closed account with Firststar Bank of Minneapolis totaling \$686.45 for merchandise at Little Falls businesses which he later returned for cash. At the time respondent issued those checks, respondent knew the Firststar account was closed.

249. On December 18, 2000, respondent, using the false identity of John Blake, applied for credit and opened a checking account with Community First National Bank of Little Falls, Minnesota, under the business name of Assisted Living Finance (ALF) by depositing an \$8,000 check from the closed Firststar Bank account. Respondent retained

\$500 in cash and deposited \$7,500 to the ALF account. Respondent then wrote NSF checks totaling over \$8,000 on the ALF account.

250. On December 28, 2000, Community First National Bank closed the ALF account after paying \$8,400 in NSF checks and after receiving additional checks totaling more than \$2,000 that were dishonored and returned unpaid to the payees.

251. When questioned on another matter by the Bloomington Police Department on December 28, 2000, respondent admitted that he opened the ALF account using John Blake's name, that he knew that the \$8,000 opening deposit was fraudulent, that he knowingly wrote approximately 40 fraudulent checks for personal items, apartment rent, furniture rental and electronic equipment and that he knew the Firststar account had been closed for some years.

252. On March 27, 2001, the Morrison County attorney charged respondent with felony theft of property over \$2,500, theft by swindle in a value over \$2,500 and theft for conduct relating to opening the ALF account and issuing NSF checks on the account. Respondent was summoned to appear before the court on April 16, 2001. When respondent failed to appear, the court issued a warrant for respondent's arrest.

253. Respondent was arrested on or about April 27, 2001. He made a first appearance on May 30, 2001, pled not guilty and waived an omnibus hearing. Respondent was scheduled to appear for a settlement conference or jury trial on June 18, 2001, but his public defender has requested a continuance. No new hearing date has yet been set.

Criminal Conduct - Carver County Matter

254. On October 16, 2000, respondent received permission from his friend, Greg Wilson, to temporarily stay at Wilson's home and to use Wilson's credit card to rent a car for one day. Respondent did not return the rental car for 12 days.

255. During the evening of November 10, 2000, respondent appeared at Wilson's home in Chanhassen, Minnesota, attempted to enter without permission and, when allowed entrance, argued with Wilson and shoved Wilson over backwards.

256. Joyce Goldman, a friend of Wilson's who was present, called the Carver County Sheriff's Department to report respondent's aggressive behavior and gave the phone to Wilson. Respondent took the phone away from Wilson and hung it up.

257. On November 29, 2000, respondent was charged with gross misdemeanor assault in the fifth degree, interference with an emergency telephone call and driving after suspension. Respondent was summoned to appear before the court on December 29, 2000.

258. Respondent did not appear and the court issued a warrant for respondent's arrest. On April 5, 2001, respondent was arrested by the Hennepin County Sheriff and taken to jail.

259. On April 16, 2001, respondent appeared in Carver County District Court and pled guilty to interference with a 911 call, was fined \$375 and placed on probation for 12 months. Under the terms of the probation, respondent is required to have an anger evaluation, have no contact with Greg Wilson and remain law abiding.

Criminal Conduct - Cass County Matter

260. During the early morning hours of March 31, 2001, respondent was stopped by a Cass County deputy sheriff while driving a Jeep owned by Tanner Motors in Brainerd, Minnesota. When questioned by the deputy, respondent falsely stated that his name was Steven Johnson. Upon investigation, the deputy correctly identified respondent and arrested him on outstanding warrants from Hennepin and Carver Counties.

261. On April 3, 2001, respondent pled guilty in Cass County District Court to misdemeanor charges of giving false information to a peace officer and driving after

revocation. Respondent was fined \$1,000, of which \$350 was stayed, and sentenced to 100 days in jail, the balance of which after time served was stayed on condition that respondent pay the fine, not purchase, possess, or consume any alcohol or controlled substances and not operate a motor vehicle or violate any laws or ordinances.

Nevertheless, on April 9, 2001, while dining at the Plymouth Leann Chin Restaurant, respondent consumed four glasses of wine, and left without paying his bill, which led to his arrest in Hennepin County (*see* paragraph 232, *supra*).

262. As a result of respondent's criminal arrests, respondent has contacted former clients and made fraudulent representations in attempt to solicit money to secure his release from jail. These instances include but are not limited to:

a. On April 3, 2001, respondent called his former client, Terry Kniskern, and asked for financial assistance in making bail on the Cass County charge.

b. On April 4, 2001, respondent called his former client, Glen Anderson, and asked Anderson to help him get out of jail. Respondent asked Anderson to co-sign a bail bond and pay \$900 to obtain his release. Respondent falsely told Anderson that he was in possession of funds to repay money respondent owed to Anderson¹ if Anderson assisted him.

c. On May 1, 2001, respondent called his former client, Robert Parrott, and told him that he had \$9,000 owed to Parrott. *See* paragraphs 179-183 of the Supplementary Petition for Disciplinary Action. However, respondent claimed that Parrott needed to advance respondent \$2,500 so respondent could obtain the

¹ Respondent represented Anderson in a workers' compensation matter that respondent failed to complete. Nevertheless, respondent obtained \$8,500 in fees and costs from Anderson, even though Minnesota law provides that attorney fees are not due or paid until the issue for which the fee was incurred has been resolved. *See* paragraphs 129-136 of the Supplementary Petition for Disciplinary Action.

money (\$9,000). Respondent falsely told Parrott that the \$2,500 was required to post a cash bond to protect the bank for the \$9,000 cashier's check to be issued.

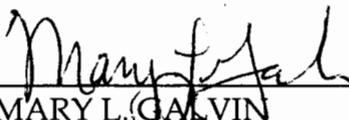
263. Respondent's conduct as alleged above constitutes a pattern of criminal conduct in violation of Rule 8.4(b), (c), and (d), MRPC.

WHEREFORE, the Director respectfully prays for an order of this Court disbarring 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: June 13, 2001.


EDWARD J. CLEARY
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 17267
25 Constitution Avenue, Suite 105
St. Paul, MN 55155-1500
(651) 296-3952

and


MARY L. CALVIN
ASSISTANT DIRECTOR
Attorney No. 238302

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

Dated: June 14, 2001. 
STEVEN J. OLSON
PANEL CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD