

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against VICTOR HARLAN SMITH,
a Minnesota Attorney,
Registration No. 195911.

**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 October 28, 1988. Respondent currently practices law in Walker, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

DISCIPLINARY HISTORY

Respondent's history of prior discipline, including admonitions, is as follows:

- A. On December 19, 1995, respondent was issued an admonition for failing to communicate with a client.
- B. On December 18, 1998, respondent was issued an admonition for improperly using confidential client information.
- C. On May 31, 2000, respondent was placed on private probation for a period of two years. Respondent's discipline was based on trust account

improprieties, misappropriation of clients funds, failure to maintain trust account books and records, failure to provide accountings, unauthorized use of confidential client information, and failure to cooperate with a disciplinary investigation.

D. On November 7, 2006, respondent was issued an admonition for neglecting a matter, failing to communicate and failing to timely provide an accounting.

E. On February 26, 2007, respondent was issued an admonition for confronting opposing counsel outside a courtroom and using an offensive epithet toward that counsel in the presence of the clients of both respondent and opposing counsel.

FIRST COUNT

Failure to Cooperate

1. On August 22, 2013, the Director mailed to respondent notice of investigation of a complaint filed against respondent by the Minnesota Department of Revenue. The complaint alleged that across multiple tax periods, respondent failed to fully pay unemployment insurance tax, individual income tax, and withholding tax (Exhibit 1).

2. The notice of investigation requested respondent within 14 days to (1) provide his complete written response to the complaint and (2) to execute and return the authorizations for release of information regarding respondent's tax filing which were included with the notice. Respondent failed to respond.

3. By letter dated September 6, 2013, the Director informed respondent that the Director had received no response to the notice of investigation and requested respondent to provide at that time the information and documents requested in the notice. Respondent failed to respond.

4. By letter dated September 16, 2013, the Director informed respondent that the Director had received no response to the notice of investigation or the Director's

September 6 letter and requested respondent to provide at that time the information and documents requested in the notice. Respondent failed to respond.

5. Respondent's conduct violated Rule 8.1(b), Minnesota Rules of Professional Conduct, and Rule 25, RLPR.

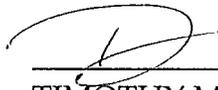
WHEREFORE, the Director respectfully prays for an order of this Court imposing otherwise appropriate discipline, awarding costs and disbursements pursuant to the Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: October 15, 2013.



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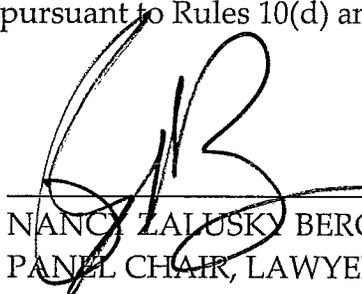
and



TIMOTHY M. BURKE
SENIOR ASSISTANT DIRECTOR
Attorney No. 19248x

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

Dated: 10-16-13, 2013.



NANCY ZALUSKY BERG
PANEL CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD