FILE NO. A11-1640

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action against TRAVIS D. STOTTLER, a Minnesota Attorney, Registration No. 305728.	**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 the subject of a September 9, 2011, petition for disciplinary action, and is currently temporarily suspended from the practice of law by order of the Minnesota Supreme Court dated October 14, 2011. 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:

FOURTH COUNT

John Koalska Matter

30. John Koalska retained respondent to represent him in a dispute over construction labor and supplies with Mike Anderson.

31. On July 8, 2009, Anderson signed a confession of judgment in favor of Koalska to settle the dispute. The confession of judgment provided that Anderson pay to Koalska a total of $25,262 in payment of $10,000 on or before July 10, 2009, and $1,000 per month on or before the 31st day of each month thereafter for fifteen months. The fifteenth and final payment was to be in the amount of $1,265.

32. Respondent agreed to collect and hold the money from Anderson on Koalska's behalf and distribute it to Koalska.

33. On July 7, 2009, respondent wrote Koalska, enclosing the confession of judgment as well as payment of $11,000 collected from Anderson thus far. In his letter, respondent indicated that the remaining payments would be made directly to respondent and promptly forwarded to Koalska.

34. Shortly thereafter, respondent and Koalska orally altered their agreement to one where respondent would collect all the payments and hold them in trust until the final payment was made, at which time respondent would turn the total funds over to Koalska.

35. Anderson subsequently made the following monthly payments of $1,000 to respondent, totaling $10,000, which respondent deposited into his Wells Fargo trust account no. xxxxxx8543:

Date of Check	Date of Deposit
07/23/2009	07/27/2009
08/23/2009	08/31/2009
09/23/2009	09/28/2009
10/23/2009	11/02/2009
11/23/2009	11/25/2009
01/23/2010	01/26/2010
02/23/2010	03/03/2010
03/23/2010	05/11/2010
07/23/2010	07/27/2010

36. Respondent misappropriated the $10,000 in payments from the trust account for his own benefit.

37. Anderson made additional payments to respondent to fully satisfy the $25,262 judgment against him. Respondent failed to deposit these funds into the trust account or pay them to Koalska.

38. In mid-2010, approximately a year after Koalska received the initial lump sum payment from respondent, Koalska asked respondent how much money had been

collected from Anderson. Respondent told Koalska that Anderson was not delinquent in his payments but that he was unable to produce documentary evidence of the payments as respondent's secretary had quit. Respondent assured Koalska that he would be able to produce records showing the payments soon.

39. After respondent told Koalska he was unable to produce evidence of Anderson's payments, Koalska attempted to contact respondent more frequently by telephone and by visiting his office, inquiring about the funds respondent had received from Anderson. When Koalska was able to reach respondent, he assured Koalska there was nothing to worry about and that he would remit the total funds paid by Anderson to Koalska.

40. Koalska began to leave respondent voicemail messages that went unanswered. Koalska attempted to visit respondent's office, but respondent was never in. Koalska left handwritten messages with staff from another tenant with whom respondent shared office space. The other tenant indicated that respondent was at his office infrequently but that he did come in from time to time. Koalska also called respondent's mother, who told Koalska she was in contact with respondent and she would have him return Koalska's call.

41. Respondent failed to respond to Koalska's attempts to reach him, and has not provided to Koalska the remaining $14,262 paid by Anderson.

42. On May 16, 2012, Koalska filed a complaint with the Director's Office.

43. Respondent's conduct violated Rules 1.4, 1.15(a), (c)(1), (3) and (4), 8.4(c) and (d), Minnesota Rules of Professional Conduct (MRPC).

FIFTH COUNT

Heidi Ann Penman Matter

44. By Minnesota Supreme Court order dated May 16, 2011, respondent was placed on involuntary restricted status for failing to comply with Continuing Legal Education (CLE) requirements. Pursuant to Rule 12 of the CLE rules, respondent was

restricted from the practice of law as of May 16, 2011. To date, respondent has not been removed from restricted CLE status.

45. On August 1, 2011, Heidi Ann Penman retained respondent to represent her significant other, Troy Bartle, in an appeal of a conciliation court matter. Judgment in Bartle's matter had been entered on July 28, 2011, and Bartle had 20 days from July 29, the date the judgment was mailed, to appeal.

46. Penman paid respondent $500, which was to go towards the filing fee and to commence representation. Respondent stated he would bill Penman monthly thereafter. Respondent did not advise Penman and Bartle that his license to practice law had been restricted and therefore he could not represent Bartle.

47. Respondent failed to file an appeal on Bartle's behalf within the applicable appeal period.

48. By Minnesota Supreme Court order dated October 14, 2011, respondent was suspended from the practice of law. Respondent failed to notify Penman and Bartle of his suspension as required by Rule 26, RLPR.

49. In November 2011 respondent visited a restaurant where Penman was employed. Penman asked respondent about the status of Bartle's case. Respondent told Penman that the court was really backed up. Respondent further stated he expected to hear something from the court regarding the scheduling of a court date by the end of December 2011.

50. Respondent's statements to Penman were false. Respondent had not filed Bartle's case. Furthermore, respondent's statements led Penman to believe that respondent was a licensed attorney, when, in fact, respondent had been placed on CLE restricted status and was suspended from the practice of law.

51. In approximately mid-November 2011, Penman and Bartle received a document in connection with the conciliation court matter that led them to believe respondent may not have filed Bartle's appeal. Penman called respondent and left a

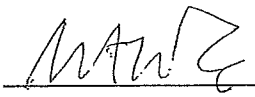
message for respondent to contact her about the document they received. Respondent failed to respond to Penman.

52. After receiving no response from respondent, Penman contacted another attorney, who informed her that respondent was suspended from the practice of law. Penman called respondent and left a message requesting a refund of the $500 paid toward the representation. Respondent failed to respond to Penman and failed to refund the $500.

53. Respondent's conduct violated Rules 1.3, 1.4, 1.16(d), 5.5(a), and 8.4(c), MRPC, and Rule 26, RLPR.

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: January 8, 2013.



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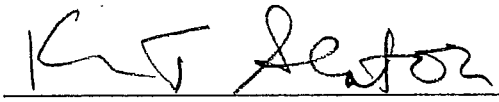

KEVIN T. SLATOR
SENIOR ASSISTANT DIRECTOR
Attorney No. 204584

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

Dated: January 15, 2013.

JUDITH M. RUSH
BOARD CHAIR, LAWYERS PROFESSIONAL RESPONSIBILITY BOARD