

STATE OF MINNESOTA
COUNTY OF FILLMORE

DISTRICT COURT
THIRD JUDICIAL DISTRICT

COURT FILE NO.: 23-CR-13-347

PROSECUTOR FILE NO.:

State of Minnesota,
Plaintiff,

v.

Summons Warrant
 Order of Detention

DAVID WELFORD WILLIAMS, JR. DOB: 12/23/1941
40722 Co. 12
Lanesboro, MN 55949

Amended
 Tab charge Previously Filed

Defendant.

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s):

Count 1

Attorneys-Unauthorized Practice of Law
In Violation Of: 481.02 subd 1; 481.02 subd. 8(a)
Penalty: 90 days, \$1,000.00, or both

On or about May 10, 2011 and continuing through June 10, 2011, within the County of Fillmore, MN defendant did unlawfully appear as an attorney or counselor at law and hold out as competent or qualified to give legal advice or counsel, or to prepare legal documents, or engaging in advising or counseling in law or acting as attorney or counselor at law, or in furnishing to others the service of a lawyer.

23 - CR - 13 - 347
CPSUM
Complaint Summons
787966



STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause: Your complainant is a peace officer employed by the County of Fillmore. In that capacity, your complainant has reviewed police reports relating to the above-named defendant and the allegations contained herein. Based upon that information, your complainant believes the following to be true and correct.

Investigator/Sgt. Phil Whitacre of the Fillmore County Sheriff's Office was contacted by the Fillmore County Attorney's Office expressing concerns that David Williams may be practicing law without a license. Whitacre was directed to contact Attorney Scott Springer for additional details. On June 1, 2011 Whitacre contacted Attorney Springer who stated that he has e-mails from David Williams where Williams does identify himself as a lawyer. Whitacre asked Springer to forward the e-mails to him.

Whitacre received a series of e-mails from Springer. In summary, it appears that David Williams has been assisting the National Trout Learning Center in Preston, Fillmore County, MN with the drafting of by-laws and articles. An e-mail dated May 10, 2011 from George Spangler, Co-Chair, National Trout Learning Center, to Scott Springer and others indicates that work on the by-laws and articles of incorporation was in progress with the assistance of David Williams, an attorney from Lanesboro. An e-mail dated May 14, 2011 from Cathy Enerson, Economic Development Director, addressed to the executive committee, states that David Williams is able to work on by-laws with them on June 6 @ 3:00 p.m.

An e-mail from David Williams to Scott Springer, Cathy Enerson, George Spangler, and others, dated June 10, 2011 shows Williams Consultancy, David Williams, Lawyer in the title section. Another e-mail from David Williams to Cathy Enerson dated May 19, 2011 also shows David Williams, Lawyer in the signature block.

On June 6, 2011 Whitacre left a message for David Williams to call.

An e-mail from David Williams to Scott Springer and others dated June 10, 2011 again indicates Williams Consultancy, David Williams, Lawyer.

Williams returned Whitacre's call and an interview was scheduled for June 21, 2011 at the Law Enforcement Center. Whitacre and Williams met on June 21, 2011 and Whitacre advised Williams that there is concern that he has been practicing law without a license. Williams stated that he understands there is concern, but does not understand the basis for it. Whitacre explained that there are e-mails in reference to the National Trout Learning Center where he is referred to as an attorney and a lawyer.

Williams stated he could explain that, stating that he does not practice law and stopped legal work a decade ago. Williams stated he moved here from Minneapolis 12 years ago, built a farm, and has done a lot of non-profit organizational work. Williams presented Whitacre with a list of organizations he is with, which are: Supervisor, Preble Township Board; Chairman, Minnesota Environmental Partnership; Vice President, Southeastern Minnesotans for Environmental Protection; and Member of the Citizens Water Committee, Fillmore County Soil and Water Conservation District.

Williams stated that what he does is strictly on volunteer basis and he volunteers with many organizations. Williams stated in early April, Cathy Enerson, Economic Development Director, called him and said that she had been referred to him for help in applying for tax exempt status for the National Trout Learning Center. Williams

stated he met with her and helped her, and that it was pure volunteer work. Williams stated he helped Enerson and the National Trout Learning Center with by-laws as well. Williams stated he went to a meeting with George Spangler, Joe Hoffman, Kathy Dahl, and Cathy Enerson and they went through the by-laws. Williams stated he attended a second meeting a couple weeks later and that local attorney Scott Springer attended this meeting and they went over by-laws again.

Whitacre asked Williams if he at any point received any type of compensation, either monetary or non-monetary, and Williams stated that he did not.

Whitacre asked Williams to explain his background in law. Williams stated he has two law degrees, one from Howard University in Washington, DC and the second from Stanford University. Williams stated he was a licensed practicing attorney in New York and California. Williams stated he has never been licensed in Minnesota.

Whitacre asked Williams if he would say that he was doing legal work for the National Trout Learning Center and Williams said he would not and explained that you don't have to be a licensed attorney to help with by-laws or IRS applications. Whitacre asked Williams if he represented himself as an attorney and Williams stated he does not. Whitacre advised Williams that there are e-mails referred to him as an attorney from Lanesboro and read portions of the e-mails to him (George Spangler e-mail). Williams stated that he knows George Spangler and his wife, Kay. He stated that they both know he is a retired lawyer and that he suspects that is why George used that language in the e-mails. Whitacre asked Williams, directly, if he has ever represented himself as a lawyer to the National Trout Center and he said no.

Whitacre showed Williams the e-mail from him to Scott Springer, Cathy Enerson, George Spangler, Joe Hoffman, and Kathy Dahl where the title bar reads, "Williams Consultancy David Williams Lawyer". Williams stated that he is a lawyer and that's his background. Williams went on to state that maybe he shouldn't have that on his letterhead, but he never states he is an attorney. Williams stated that Attorney at Law is a title you use if you're licensed to practice and you are practicing law. Williams said that many corporate lawyers do refer to themselves as Attorney at Law but are still lawyers. Whitacre asked Williams what his consultancy does and he stated helping non-profit organizations, fundraising, lobbying, etc.

In summary, Williams stated that he has the educational and practical background to be referred to as a lawyer. Williams stated he is retired now but was licensed to practice and did practice in New York and California. Williams stated that all he does now is assist non-profit organizations on a strictly volunteer basis.

On July 14, 2011 Whitacre met with George Spangler at the National Trout Learning Center and asked if he knew David Williams. Spangler stated he knows Williams, initially through his wife and her work with Southeastern Minnesotans for Environmental Protection, which Williams is a member of. Spangler explained that Fran Sauer also knows Williams and that she is on the Steering Committee for the National Trout Learning Center and that Sauer recommended that Williams might be of help with the by-laws. Spangler stated that Sauer contacted Williams and that he was willing to help with the by-laws, pro bono. Spangler stated that Williams did help with the by-laws and that the National Trout Center's Executive Committee also met with Williams. Whitacre asked Spangler if Williams' help was enlisted because they thought he was an attorney. Spangler stated that they did not and stated that

you don't have to be an attorney to help with by-laws. Spangler stated he has been at the National Trout Center meeting where Williams was present along with Attorney Scott Springer. Spangler stated that when any legal questions came up, Williams did not offer advice but deferred them to the attorney present. Spangler stated that Williams was not paid for any of his service and that Spangler is on the Executive Board and would have had to approve any such payment. Spangler stated that he has seen e-mails from Williams where the signature line reads Williams Consultancy David Williams Lawyer. Spangler stated that he has also seen some that did not. Spangler stated that Dwight Luhmann is the member who has the authority to act as an attorney for the National Trout Center. Spangler stated he has never heard Williams verbally represent himself as an attorney.

On July 15, 2011 Whitacre met with Dwight Luhmann, Attorney for the City of Preston and Chair of the Preston EDA. When asked about his contact with Williams, Luhmann stated that lately they have only been about the National Trout Learning Center. Luhmann stated that Enerson had said Williams was willing to assist the Center with by-laws and it was discussed at an EDA meeting. Luhmann stated that he filed the article of incorporation and that Enerson asked him if he would have any objections to Williams working on the by-laws. Luhmann stated he told Enerson he would have no objections and that Williams did work on the by-laws. Luhmann stated that he and Williams had a couple of correspondence e-mails about who's doing what. Dwight stated that it is his understanding that there was no payment to Williams and that his work was all volunteer. Luhmann stated he has not seen anything come through the EDA indicating payment to Williams. When asked if Luhmann has ever heard or seen Williams represent himself as a lawyer or an attorney, Luhmann stated he hasn't heard Williams introduce himself as a lawyer or an attorney, but he has claimed to have a law degree. Luhmann stated that Williams' e-mail signature line on some e-mails indicates he's a lawyer. Luhmann states that is all he's seen or heard and he has not seen any business cards.

Complainant requests that Defendant, subject to bail or conditions of release, be:
 (1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
 (2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

COMPLAINANT'S NAME:

COMPLAINANT'S SIGNATURE:

Phillip J. Whitace

Phillip J. Whitace

Subscribed and sworn to before the undersigned this 7 day of May, 2013

NAME/TITLE:

SIGNATURE:

KIMBERLY KAPPERS
DEPUTY COURT ADMINISTRATOR

Kimberly Kappers

Being authorized to prosecute the offenses charged, I approve this complaint.

Date: 5/7/13

PROSECUTING ATTORNEY'S SIGNATURE:

Lee Novotny

Name: Lee Novotny
 Assistant Fillmore County Attorney
 Fillmore County Courthouse
 P.O. Box 307
 Preston, MN 55965
 507-765-2530
 Attorney Registration Number: 0389227

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps to be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings Defendant is therefore charged with the above-stated offense(s).

[X] SUMMONS

HEREFORE, YOU THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the 12 day of June, 2013 at 11:15 am. before the above-named court at Boston mn to answer this complaint

[] WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I hereby order, in the name of the State of Minnesota, that the above-named Defendant be apprehended and arrested without delay and brought promptly before the above-named court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

[] Execute in MN Only [] Execute Nationwide [] Execute in Border States

[] ORDER OF DETENTION

Since the above-named Defendant is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant continue to be detained pending further proceedings

Bail: _____

Conditions of Release:

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this 8 day of May, 2013

JUDICIAL OFFICER:

SIGNATURE:

NAME: Robert R. Benson
TITLE: District Court Judge

[Handwritten Signature]

Sworn testimony has been given before the Judicial Officer by the following witnesses:

Legal stamp area containing: COUNTY OF FILLMORE STATE OF MINNESOTA, State of Minnesota Plaintiff vs DAVID WELFORD WILLIAMS, JR. Defendant, F I L L E D Clerk's Signature or File Stamp, MAY - 8 2013, RETURN OF SERVICE, Signature of Authorized Service Agent: Kim Kappers Mailed 5-15-13

STATUTE AND OFFENSE GRID

Cnt	Statute Type	Offense Date	Statute Number & Description	Offense Level	MOC	GOC	Controlling Agencies	Control Number(s)
1	Charge Penalty	05/10/2011 to 06/10/2011	481.02 subd. 1 Attorneys-Unauthorized Practice of Law 481.02 subd. 8(a) Attorneys - Unauthorized Practice of Law - Penalty	M	M7099	N	0230000 Arresting	11000304