

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST
PAUL G. BELKE
ATTORNEY AT LAW.

OFFICE OF LAWYER REGULATION,

Complainant;

PAUL G. BELKE,

Respondent.

Case No. 2014AP 41 -D

Case Code: 30912

RECEIVED

JAN 07 2014

CLERK OF SUPREME COURT
OF WISCONSIN

COMPLAINT

NOW COMES, the Wisconsin Supreme Court - Office of Lawyer Regulation ("OLR"), by retained counsel, Richard P. Mozinski, and alleges as follows:

1. The OLR is a body organized under and pursuant to Wisconsin Supreme Court Rules, SCR Chapter 21, for the purpose of assisting the Supreme Court in the discharge of its constitutional responsibility to supervise the practice of law and protect the public from professional misconduct by persons practicing law in Wisconsin. This Complaint is filed by the OLR pursuant to its authority under SCR 22.11.

2. Paul G. Belke (hereinafter referred to as "Belke"), is an attorney admitted to the bar in Wisconsin on June 18, 1996, who has been, at all times relevant to this Complaint, an active member engaged in the practice of law. Belke's State Bar Identification Number is 1026984. Belke's Wisconsin State Bar address is 101 Frank Court, Fox Lake, WI. 53933-9453. Belke's law license is active and in good standing.

3. On August 10, 2010, a deputy sheriff responded to a call of an intoxicated person, later identified as Belke, in the General Mitchell International Airport. As a result of his conduct, Belke was arrested. On August 12, 2010, Belke was charged with misdemeanor disorderly conduct. *State v. Paul G. Belke*, Milwaukee County Case No. 2010CM4695. Pursuant to a guilty plea entered on August 26, 2010, Belke was convicted of misdemeanor disorderly conduct. His sentence included one day in jail and a \$500 fine.

4. Belke failed to notify OLR of his misdemeanor disorderly conduct conviction in Milwaukee County Case No. 2010CM4695.

5. On September 13, 2010, law enforcement responded to a domestic disturbance between Belke and his mother in Princeton, Wisconsin, where both apparently lived. As a result of his conduct, Belke was arrested. On September 14, 2010, Belke was charged with misdemeanor counts of criminal damage to property (domestic abuse) and disorderly conduct (domestic abuse). *State v. Paul G. Belke*, Green Lake County Case No. 2010CM155. At his initial appearance, Belke signed a \$1,000 signature bond agreement with conditions that he maintain absolute sobriety and not be on any premises licensed to sell alcohol by the drink.

6. On September 14, 2010, following Belke's release from the Green Lake County jail and his initial appearance in Case No. 2010CM155, law enforcement responded to another domestic disturbance between Belke and his mother at their Princeton home. Breath alcohol tests performed on Belke demonstrated that he had consumed alcohol in violation of the terms of his bond agreement in Case No. 2010CM155. As a result of his conduct, Belke was arrested. On September 17, 2010, Belke was charged with misdemeanor counts of bail jumping and disorderly conduct (domestic abuse). *State v. Paul G. Belke*, Green Lake County Case No. 2010CM159. At his initial appearance on September 20, 2010,

Belke signed a \$2,500 signature bond agreement with conditions that he maintain absolute sobriety, not be on any premises licensed to sell alcohol by the drink, and move out of his mother's residence within 14 days.

7. On September 25, 2010, City of Madison police stopped Belke in Madison, which led to misdemeanor charges of Operating While Intoxicated (2nd) and Operating with PAC (2nd). *State v. Paul G. Belke*, Dane County Case No. 2010CT1633, filed October 28, 2010. Pursuant to a no-contest plea entered on January 3, 2011, Belke was convicted of misdemeanor Operating While Intoxicated (2nd). The Operating with PAC (2nd) charge was dismissed on the prosecutor's motion. Belke's sentence included 30 days in jail with Huber privileges, a driver's license revocation for 17 months, and ignition interlock for 17 months. He was also ordered to undergo an alcohol assessment and pay a fine.

8. Belke failed to notify OLR of his misdemeanor Operating While Intoxicated (2nd) conviction in Dane County Case No. 2010CT1633.

9. On February 14, 2011, in Green Lake County Case Nos. 2010CM155 and 2010CM159, Belke pled no-contest to and was convicted of both disorderly conduct (domestic abuse) charges. The remaining charges, criminal damage to property (domestic abuse) in Case No. 2010CM155, and bail jumping in Case No. 2010CM159 were dismissed, but read-in at sentencing. Belke's combined sentence included seven days in jail and court costs. He was also allowed to move back into his mother's residence.

10. Belke failed to notify OLR of his two misdemeanor disorderly conduct (domestic abuse) convictions in Green Lake County Case Nos. 2010CM155 and 2010CM159.

11. On June 6, 2012, law enforcement responded to a domestic disturbance between Belke and his mother at the Princeton residence. As a result of his conduct, Belke was arrested. On June 7, 2012, Belke was charged with one count of misdemeanor disorderly conduct (domestic abuse). *State v. Paul G. Belke*, Green Lake County Case No. 2012CM126. At his initial appearance, Belke pled guilty to the misdemeanor disorderly conduct (domestic abuse) charge. A sentencing hearing was scheduled for June 26, 2012. Belke signed a \$1,000 signature bond agreement with conditions that he maintain absolute sobriety, have no contact with his mother and her residence, and appear at all court proceedings.

12. Belke failed to appear at his June 26, 2012 sentencing hearing and a warrant was issued. On June 27, 2012, Belke was charged with one count of misdemeanor bail jumping. *State v. Paul G. Belke*, Green Lake County Case No. 2012CM147.

13. On June 28, 2012, law enforcement went to the Princeton residence to execute the warrant. Upon arrival, Belke's mother allowed the police officers into the basement, where Belke was sleeping, arresting Belke. Officers detected an odor of intoxicants emitting from Belke. Breath alcohol tests performed on Belke both in the squad car and at the jail demonstrated that Belke had consumed alcohol in violation of the terms of his bond agreement in Case No. 2012CM126. On June 29, 2012, Belke was charged with one count of misdemeanor bail jumping. *State v. Paul G. Belke*, Green Lake County Case No. 2012CM150. At his initial appearance, Belke confirmed receipt of the criminal complaints in Case Nos. 2012CM147 and 2012CM150. On July 2, 2012, Belke signed a \$500 signature bond agreement in Case No. 2012CM147 with conditions that he maintain absolute sobriety, not be on any premises licensed to sell alcohol by the drink, and have no contact with his

mother and her residence. He also posted a \$500 cash bond in Case No. 2012CM150 with identical conditions.

14. On July 3, 2012, a police officer identified Belke outside of a bar in Princeton. The officer made contact with Belke, and a breath alcohol test performed on Belke demonstrated that he had consumed alcohol in violation of the terms of his bond agreements in Case Nos. 2012CM126, 2012CM147 and 2012CM150. As a result of his conduct, Belke was arrested. He posted a \$1,000 cash bond with conditions that he maintain absolute sobriety and not be on any premises licensed to sell alcohol by the drink. On July 6, 2012, Belke was charged with three counts of misdemeanor bail jumping. *State v. Paul G. Belke*, Green Lake County Case No. 2012CM154.

15. On August 14, 2012, pursuant to a plea agreement regarding Green Lake County Case Nos. 2012CM126, 2012CM147, 2012CM150 and 2012CM154, Belke pled no-contest to and was convicted of the misdemeanor disorderly conduct (domestic abuse) charge from Case No. 2012CM126 and two misdemeanor bail jumping charges from Case No. 2012CM154. The three remaining bail jumping charges from Case Nos. 2012CM147, 2012CM150 and 2012CM154 were dismissed, but read-in at sentencing. Belke's sentence included two years' probation with sentence withheld and conditions that he not possess any firearms, maintain absolute sobriety, not be on any premises licensed to sell alcohol by the drink, not possess any alcohol where he resides, undergo and comply with AODA, no violent contact with his mother, maintain full-time employment, and abide with any other rules and/or recommendations as imposed by the supervising probation agent.

16. Belke failed to notify OLR of his misdemeanor disorderly conduct (domestic abuse) conviction in Green Lake County Case No. 2012CM126 and his two-count misdemeanor bail jumping conviction in Green Lake County Case No. 2012CM154.

17. On September 23, 2012, a deputy responded to a roll-over vehicle crash in Marquette County, Wisconsin. Upon arrival, the deputy located the vehicle and its driver and sole occupant, later identified as Belke. A witness to the accident smelled intoxicants on Belke's breath. EMS personnel reported intoxicants. Belke was transported to a hospital for treatment. A chemical test of his blood demonstrated his blood alcohol level to be .283 g/100 mL. On October 29, 2012, Belke was charged with Operating While Intoxicated (3rd), Operating with PAC (3rd), and Ignition Interlock Device Tampering/Failure to Install. *State v. Paul G. Belke*, Marquette County Case No. 2012CT94.

18. On June 12, 2013, Belke pled no-contest to and was convicted of misdemeanor Operating While Intoxicated (3rd) in Marquette County Case No. 2012CT94. The Operating with PAC (3rd) and Ignition Interlock Device Tampering/Failure to Install charges were dismissed on the prosecutor's motion. Belke's sentence included 120 days in jail with Huber privileges, a driver's license revocation for 32 months, and ignition interlock for 32 months. He was also ordered to undergo an alcohol assessment and pay a fine.

Count 1

19. By engaging in conduct leading to his August 26, 2010 misdemeanor conviction of disorderly conduct in Milwaukee County Case No. 2010CM4695 that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in other respects, **Belke violated SCR 20:8.4(b)¹.**

¹ SCR 20:8.4(b) provides: "It is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects."

Count 2

20. By engaging in conduct leading to his January 3, 2011 misdemeanor conviction of Operating While Intoxicated (2nd) in Dane County Case No. 2010CT1633 that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in other respects, **Belke violated SCR 20:8.4(b).**

Count 3

21. By engaging in conduct leading to his February 14, 2011 misdemeanor conviction of disorderly conduct (domestic abuse) in Green Lake County Case No. 2010CM155 that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in other respects, **Belke violated SCR 20:8.4(b).**

Count 4

22. By engaging in conduct leading to his February 14, 2011 misdemeanor conviction of disorderly conduct (domestic abuse) in Green Lake County Case No. 2010CM159 that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in other respects, **Belke violated SCR 20:8.4(b).**

Count 5

23. By engaging in conduct leading to his August 14, 2012 misdemeanor conviction of disorderly conduct (domestic abuse) in Green Lake County Case No. 2012CM126 that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in other respects, **Belke violated SCR 20:8.4(b).**

Count 6

24. In each instance, by engaging in conduct leading to his August 14, 2012 two-count misdemeanor conviction of bail jumping in Green Lake County Case No. 2012CM154

that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in other respects, **Belke violated SCR 20:8.4(b).**

Count 7

25. By engaging in conduct leading to his June 12, 2013 misdemeanor conviction of Operating While Intoxicated (3rd) in Marquette County Case No. 2012CT94 that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in other respects, **Belke violated SCR 20:8.4(b).**

Count 8

26. By failing to report his misdemeanor conviction of disorderly conduct in Milwaukee County Case No. 2010CM4695 to OLR and the Clerk of the Supreme Court, **Belke violated SCR 21.15(5), enforced under SCR 20:8.4(f)².**

Count 9

27. By failing to report his misdemeanor conviction of Operating While Intoxicated (2nd) in Dane County Case No. 2010CT1633 to OLR and the Clerk of the Supreme Court, **Belke violated SCR 21.15(5), enforced under SCR 20:8.4(f).**

Count 10

28. By failing to report his misdemeanor conviction of disorderly conduct (domestic abuse) in Green Lake County Case No. 2010CM155 to OLR and the Clerk of the Supreme Court, **Belke violated SCR 21.15(5), enforced under SCR 20:8.4(f).**

² SCR 20:8.4(f) provides: "It is professional misconduct for a lawyer to violate a statute, supreme court rule, supreme court order or supreme court decision regulating the conduct of lawyers."

Count 11

29. By failing to report his misdemeanor conviction of disorderly conduct (domestic abuse) in Green Lake County Case No. 2010CM159 to OLR and the Clerk of the Supreme Court, **Belke violated SCR 21.15(5), enforced under SCR 20:8.4(f).**

Count 12

30. By failing to report his misdemeanor conviction of disorderly conduct (domestic abuse) in Green Lake County Case No. 2012CM126 to OLR and the Clerk of the Supreme Court, **Belke violated SCR 21.15(5)³, enforced under SCR 20:8.4(f).**

Count 13

31. By failing to report his two-count misdemeanor conviction of bail jumping in Green Lake County Case No. 2012CM154 to OLR and the Clerk of the Supreme Court, **Belke violated SCR 21.15(5), enforced under SCR 20:8.4(f).**

PRAYER FOR RELIEF

WHEREFORE, the Office of Lawyer Regulation asks that Respondent, Attorney Paul G. Belke, be found to have committed professional misconduct as alleged in the thirteen counts of this Complaint set forth herein, and that the Court further order a disciplinary sanction and conditions as follows:

- A. Suspension of Attorney Paul G. Belke's license to practice law in the State of Wisconsin for a period of one hundred twenty (120) days.
- B. Mandatory assessment for alcohol and mental health compliance and treatment consisting of entry into a monitoring contract with the Wisconsin

³ **SCR 21.15(5) provides:** "An attorney found guilty or convicted of any crime on or after July 1, 2002, shall notify in writing the office of lawyer regulation and the clerk of the Supreme Court within 5 days after the finding or conviction, whichever first occurs. The notice shall include the identity of the attorney, the date of finding or conviction, the offenses, and the jurisdiction. An attorney's failure to notify the office of lawyer regulation and clerk of the supreme court of being found guilty or his or her conviction is misconduct."

Lawyer's Assistance Program (WisLAP), via OLR referral, and full compliance with the contract's conditions, which may include, but are not limited to:

- (1) Abstain from using alcohol and other mood-altering substances, unless prescribed by a licensed physician and approved by WisLAP;
- (2) Upon WisLAP's request, undergo an alcohol and other drug abuse (AODA) and mental health assessment by a professional selected by WisLAP;
- (3) Comply with all treatments recommended by the assessment or treatment professionals;
- (4) Submit to monitoring by a person selected by WisLAP, comply with all conditions and reporting requirements WisLAP deems appropriate, and comply with her obligations under WisLAP's policies;
- (5) Submit to random alcohol and substance abuse testing as WisLAP determines appropriate;
- (6) Pay any and all costs incurred for monitoring, including, but not limited to, costs for treatment, random alcohol and drug screens and other activities required to stay in compliance with WisLAP monitoring conditions.

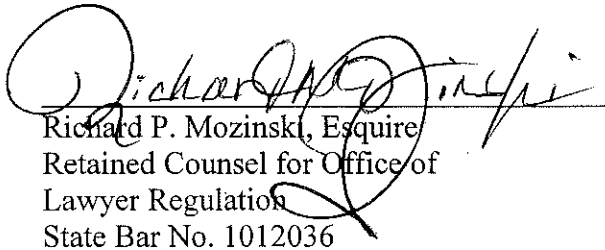
C. Monitoring of the mental health compliance and treatment condition set forth in B above, by a requirement that Attorney Belke, within 30 days after

this Court's order, signed reciprocal releases of confidentiality for each treatment provider who is providing or has provided AODA or mental health related treatment or services to him during the preceding five years, so that such treatment providers may share pertinent information with each other, with WisLAP, with the professional selected to conduct an assessment, and with OLR.

D. Such other and further relief as may be just and equitable, including an award of costs of this disciplinary proceeding.

Dated: January 6th, 2014.

OFFICE OF LAWYER REGULATION


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