

Filed March 20, 2007

REVIEW DEPARTMENT OF THE STATE BAR COURT
IN BANK

In the Matter of)	Case No.: 06-C-12640
BRET DODGE BECHTOLD)	RECOMMENDATION OF SUMMARY
)	DISBARMENT
A Member of the State Bar)	

The State Bar's request for recommendation of summary disbarment, filed on January 10, 2007, is granted. On January 12, 2007, we filed an order to show cause directing respondent Bret Dodge Bechtold to show why summary disbarment should not be recommended to the Supreme Court. Respondent's opposition asserts that the facts and circumstances involved in his conviction do not establish moral turpitude per se as a matter of law and are contrary to the State Bar's policies regarding attorneys with substance abuse problems.

On September 12, 2006, respondent was convicted of one count of Health and Safety Code section 11352, subdivision (a).¹ As a result of respondent's conviction, we placed him on interim suspension effective January 9, 2007, and he has remained on interim suspension since that time. His conviction is now final.

¹Respondent was also convicted of violating Penal Code section 647, subdivision (b), a misdemeanor, which may or may not involve moral turpitude. The only conviction we are relying upon in making our recommendation of summary disbarment is respondent's conviction under Health and Safety Code section 11352, subdivision (a).

We have considered the arguments made by respondent in his response to the order to show cause and do not find them persuasive. Respondent's conviction provides conclusive evidence that he is guilty of Health and Safety Code section 11352, subdivision (a). (Bus. & Prof. Code, § 6101, subd. (a).) He is conclusively presumed to have committed all of the acts necessary to constitute the offense. (*In re Duggan* (1976) 17 Cal.3d 416, 423.) Respondent committed this offense at a time when summary disbarment was a consequence of his criminal conviction, and his conviction meets the requirements under Business and Professions Code section 6102, subdivision (c), as amended effective January 1, 1997.

First, respondent was convicted of a felony. (Bus. & Prof. Code, § 6102, subd. (b).)

Second, Health and Safety Code section 11352, subdivision (a), was enacted to prevent trafficking in narcotics. (See *People v. Holquin* (1964) 229 Cal.App.2d 398, 402, disapproved on other grounds, *People v. Daniels* (1975) 14 Cal.3d 857.)² Crimes involving the distribution of narcotics have traditionally been classified as crimes involving moral turpitude. (See *In re Leardo* (1991) 53 Cal.3d 1, 10; see also *In re Giddens* (1981) 30 Cal. 3d 110, 112; see also *People v. Castro* 38 Cal.3d 301, 312 [possession for the sale of narcotics involves the intent to corrupt others and constitutes moral turpitude for impeachment purposes].) We find respondent's conviction involves moral turpitude.

When an attorney's conviction meets the above requirements, "the attorney is not entitled to a State Bar Court hearing to determine whether lesser discipline is called for." (*In re Paguirigan* (2001) 25 Cal.4th 1, 4-7.) Disbarment is mandatory. (*Id.* at p. 9; see also *In re Lesansky* (2001) 25 Cal.4th 11.)

We therefore recommend that respondent Bret Dodge Bechtold, State Bar member number 184692, be summarily disbarred from the practice of law in this state. We also

²The court construed Health and Safety Code section 11501, the predecessor to section 11352, as a drug trafficking offense which provided that "[e]very person who transports, imports into this State, sells, furnishes, administers or gives away, or offers to transport, import into this State, sell, furnish, administer or give away, or attempts to import into this State [narcotics] is guilty of a crime." (*People v. Holquin, supra*, 229 Cal.App.2d at p. 401.) The language in the current section 11352, subdivision (a), is essentially the same.

recommend that respondent be ordered to comply with rule 9.20 of the California Rules of Court and to perform the acts specified in paragraphs (a) and (c) of that rule within 30 and 45 days, respectively, after the effective date of the Supreme Court's order. Finally, we recommend that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, such costs being enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Presiding Judge