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MAY 04 2015

STATE BAR COURT  
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**STATE BAR COURT OF CALIFORNIA**

**REVIEW DEPARTMENT**

**IN BANK**

In the Matter of	)	Case No. 15-Q-10640
	)	
GARY BRETT BEELER,	)	RECOMMENDATION ON
	)	RESIGNATION
A Member of the State Bar, No. 87871.	)	
_____	)	

On February 9, 2015, Respondent Gary Brett Beeler filed his resignation with disciplinary charges pending. In light of the grounds set forth in California Rules of Court, rule 9.21(d),<sup>1</sup> we recommend Beeler's resignation be accepted because: (1) he had no prior record of discipline in 33 years of practice; (2) he cooperated in this proceeding by complying with rule 9.20, stipulating as to facts and conclusions of law, and tendering an authorization for public disclosure of pending complaints, investigations and proceedings; (3) he has only one State Bar case pending at the time his resignation was filed and it does not involve clients; (4) he owes no restitution; and (5) he is 61 years old and willing to forfeit his license. We see no harm to the public under the circumstances presented here, and we conclude that the acceptance of Beeler's resignation would be consistent with the need to protect the public, the courts, and the legal profession.

**I. BACKGROUND**

**A. Pending Discipline (Case No. 14-O-01599)**

Beeler was admitted to practice law in California on November 29, 1979, and has no prior record of discipline. On December 6, 2012, he reported to the State Bar that he was in

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<sup>1</sup> All further references to rules are to this source unless otherwise noted.



compliance with minimum continuing legal education (MCLE) requirements and that he completed his MCLE during the compliance period. In fact, he was not in compliance.

In a Stipulation as to Facts and Conclusions of Law, the parties stipulated that at the time of the stipulation, there were no other matters filed or pending investigations, or inquiries made against Beeler. Beeler stipulated to the following facts: (1) in order to remain as an active member of the State Bar, he was required to complete 25 hours of MCLE during the compliance period of February 1, 2010, through January 31, 2013; (2) he reported compliance with MCLE requirements on December 6, 2012, under penalty of perjury; (3) in fact, he had not completed any hours of MCLE within the compliance period; (4) when he reported to the State Bar that he was in compliance with the MCLE requirements, he was grossly negligent in not knowing that he was not in compliance; and (5) he subsequently completed the required MCLE hours and paid a \$75 penalty. Beeler stipulated that he violated Business and Professions Code section 6106 by reporting to the State Bar that he was in compliance with the MCLE requirements when he was grossly negligent in not knowing that he was not in compliance with the requirements. There are no aggravating factors and Beeler's misconduct is mitigated by the lack of prior discipline in 33 years of practice and his belated completion of the MCLE hours.

**B. Office of the Chief Trial Counsel's (OCTC) Recommendation**

On March 6, 2015, OCTC filed a report recommending that the resignation be accepted because “[o]n balance and in application of the factors listed [in rule 9.21], the State Bar recommends that the Supreme Court accept respondent’s resignation.”

**II. CONSIDERATION OF THE GROUNDS SET FORTH IN RULE 9.21(d)**

We have considered Beeler's resignation under the grounds set forth in rule 9.21(d). We summarize below the relevant information for each ground:

**1. Whether the preservation of testimony is complete.**

OCTC reports that “[p]reservation of testimony is complete. This factor is not present.”

**2. Whether after transfer to inactive status, Beeler has practiced law or has advertised or held himself out as entitled to practice law.**

OCTC reports that “[Beeler] has not, insofar as the State Bar knows, since being transferred to inactive status, practiced law or held himself out as entitled to practice law. This factor is not present.”

**3. Whether Beeler performed the acts specified in rule 9.20(a)-(b).**

On February 9, 2015, Beeler filed a rule 9.20 declaration stating that he had no clients, no client papers or other property to return, no unearned fees, and no pending client matters.

**4. Whether Beeler provided proof of compliance with rule 9.20(c).**

Beeler’s rule 9.20 compliance declaration was submitted on February 9, 2015.

**5. Whether the Supreme Court has filed a disbarment order.**

The Supreme Court has not filed a disbarment order.

**6. Whether the State Bar Court has filed a decision recommending disbarment.**

The State Bar Court has not filed a decision recommending Beeler’s disbarment.

**7. Whether Beeler previously resigned or has been disbarred and reinstated to the practice of law.**

Beeler has not previously resigned or been disbarred in California.

**8. Whether Beeler entered a stipulation with OCTC as to facts and conclusions of law regarding pending disciplinary matters.**

On February 17, 2015, the parties filed a Stipulation as to Facts and Conclusions of Law regarding the pending disciplinary matter.

**9. Whether accepting Beeler's resignation will reasonably be inconsistent with the need to protect the public, the courts, or the legal profession.**

We recommend accepting Beeler's resignation. Beeler cooperated with OCTC by entering into a stipulation regarding the facts and conclusions of law, submitting a rule 9.20 compliance declaration, and tendering an authorization for public disclosure of pending complaints, investigations and proceedings. The stipulation provides a complete account of his misconduct and is available to the public and any licensing agency or other jurisdiction.

We recognize that Beeler's offense is serious. He committed an act of moral turpitude by misrepresenting his compliance with MCLE requirements. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 2.7 [disbarment or suspension for acts of moral turpitude, dishonesty and fraud].) However, Beeler had 33 years of discipline-free practice and his misconduct did not involve clients or the practice of law. (See *Boehme v. State Bar* (1988) 47 Cal.3d 448, 454 [disbarment found too harsh for single instance of misappropriation of client funds by an attorney with 22 years of discipline-free practice].)

Further, Beeler is 61 years old and is prepared to relinquish his license. He would be at least 66 years old before he is eligible to seek reinstatement. (Rules Proc. of State Bar, rule 5.442(B) [earliest reinstatement petition after resignation with charges pending is five years after filing date of resignation].) No other unresolved discipline matters or investigations are pending against him and there are no outstanding issues concerning clients, restitution or unearned fees. Under these circumstances, we do not believe that public confidence in the discipline system will be undermined by accepting Beeler's resignation. Permitting him to resign would be consistent with the need to protect the public, the courts and the legal profession.

### III. RECOMMENDATION

We recommend that the Supreme Court accept the resignation of Gary Brett Beeler, State Bar number 87871. We further recommend that costs be awarded to the State Bar in accordance with Business and Professions Code section 6068.10, and that such costs be enforceable both as provided in section 6140.7 and as a money judgment.

**PURCELL**

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Presiding Judge

**CERTIFICATE OF SERVICE**

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on May 4, 2015, I deposited a true copy of the following document(s):

RECOMMENDATION ON RESIGNATION FILED MAY 4, 2015

in a sealed envelope for collection and mailing on that date as follows:

- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

GARY BRETT BEELER  
18 CROW CANYON CT #320  
SAN RAMON, CA 94583

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Heather E. Abelson, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 4, 2015.

  
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Rosalie Ruiz  
Case Administrator  
State Bar Court