

1 THE STATE BAR OF CALIFORNIA  
2 OFFICE OF PROBATION  
3 TERRIE GOLDADE, No. 155348  
4 SUPERVISING ATTORNEY  
5 845 South Figueroa Street  
6 Los Angeles, California 90017-2515  
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FILED

JAN 26 2016

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

PUBLIC MATTER

8 STATE BAR COURT

9 HEARING DEPARTMENT - LOS ANGELES

10 In the Matter of: ) Case No. 16-PM- **10389**  
11 )  
12 GERARD BRENNAN HARVEY, ) MOTION TO REVOKE PROBATION;  
13 No. 152669, ) MEMORANDUM OF POINTS AND  
14 A Member of the State Bar ) AUTHORITIES; DECLARATION OF  
15 ) MICHAEL KANTERAKIS; EXHIBITS 1  
16 ) THROUGH 3; PROBATION REVOCATION  
17 ) RESPONSE FORM [Rule 5.310 et seq., Rules  
18 ) of Procedure of the State Bar]

16 **TO: The State Bar Court, Gerard Brennan Harvey, Respondent, and his counsel**

17 **Victoria Campbell:**

18 **PLEASE TAKE NOTICE THAT** the State Bar of California, Office of Probation,  
19 hereby moves pursuant to Rules of Procedure of the State Bar of California, rules 5.310, et seq.,  
20 to revoke the probation imposed upon Gerard Brennan Harvey ("Respondent") in prior  
21 disciplinary case no. 13-C-11781 and to impose upon Respondent the entire period of suspension  
22 of two years previously stayed by order no. S220720 of the Supreme Court filed on October 22,  
23 2014. The State Bar requests that Respondent remain on actual suspension and until Respondent  
24 complies with Standard 1.2(c)(1), Attorney Standards for Attorney Sanctions for Professional  
25 Misconduct. The State Bar further requests that Respondent be ordered to comply with rule  
26 9.20, California Rules of Court, and that Respondent be placed on involuntary inactive  
27 enrollment pursuant to Business and Professions Code section 6007(d).

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1 This motion is based upon the factual allegations that Respondent has violated the terms  
2 of probation imposed on Respondent by the aforementioned order as follows:

3 1. As a condition of probation, Respondent was ordered to provide the Office of  
4 Probation with medical waivers upon its request. In a letter mailed to Respondent on November  
5 12, 2014, the Office of Probation requested that Respondent provide medical waivers by  
6 December 20, 2014. Respondent did not comply in that Respondent did not provide the Office  
7 of Probation with medical waivers until January 8, 2015.

8 2. As a condition of probation, Respondent was ordered to comply with the State  
9 Bar Act, Rules of Professional Conduct, and all of the conditions of his probation. He was  
10 ordered to report such compliance to the Office of Probation under penalty of perjury in writing  
11 with the reports postmarked no later than each January 10, April 10, July 10, and October 10  
12 (“quarterly reports”). Respondent has not complied in that Respondent has filed two of his  
13 reports late: his April 10, 2015 quarterly report was postmarked on April 27, 2015, and his July  
14 10, 2015 quarterly report was faxed September 20, 2015. Respondent has not filed his quarterly  
15 report due January 10, 2016.

16 3. As a condition of probation, Respondent was ordered to attend at least four  
17 meetings per month of a 12-step, abstinence-based program and provide to the Office of  
18 Probation satisfactory proof of attendance with each quarterly report. Respondent has not  
19 complied in that his reports for April 10, 2015 (postmarked April 27, 2015) and July 10, 2015  
20 (faxed September 20, 2015) were late. Additionally, Respondent only attended two meetings in  
21 December 2014 and only three meetings in January 2015. Respondent has not submitted proof  
22 that he attended any meetings for October, November, and December 2015.

23 4. As a condition of probation, Respondent was ordered to obtain psychiatric or  
24 psychological treatment from a duly licensed psychiatrist, psychologist or clinical social worker  
25 a minimum of one time per month and furnish satisfactory evidence with each quarterly report.  
26 Treatment was to commence “immediately and, in any event, no later than 30 days after the  
27 effective date of his discipline”—by December 20, 2014. Respondent is not in compliance in  
28 that he (a) was late submitting proof due on July 10, 2015 (faxed September 20, 2015), and (b)

1 has not submitted proof of treatment for December 2014 (due January 10, 2015), January  
2 through March 2015 (due April 10, 2015), and October through December 2015 (due January 10,  
3 2016).

4 5. As a condition of probation, Respondent was ordered to comply with all  
5 conditions of any applicable criminal probation and so declare in his quarterly reports.  
6 Respondent is not in compliance in that he (a) was late declaring his compliance in his July 10,  
7 2015 quarterly report (faxed September 20, 2015); (b) has not filed his report due January 10,  
8 2016, and (c) has not declared compliance in his quarterly report due October 10, 2015:  
9 Respondent reported that he “was advised by Inyo County Probation that [he] gave a positive  
10 urinalysis for meth. The violation is still pending and unresolved and the next appearance is  
11 10/19/15.”

12 6. As a condition of probation, Respondent was to, within one year of the effective  
13 date of his discipline—by November 21, 2015, submit satisfactory evidence completion of Ethics  
14 School and passage of the test given at the end of Ethics School. Respondent has apparently  
15 attended Ethics School on October 22, 2015, but has never provided the proof ordered.

16 This motion is also based on the attached Memorandum of Points and Authorities, the  
17 attached Declaration of Michael Kanterakis, the attached exhibits, and all documents on file with  
18 the court in this matter.

19 In accordance with rules 5.314(A) and 5.314(E) of the Rules of Procedure of the State  
20 Bar of California, the Office of Probation requests that a hearing be held unless the Court, based  
21 upon this motion and any response, determines that imposition of the discipline as requested  
22 above is warranted.

23 **NOTICE – FAILURE TO RESPOND**

24 YOUR FAILURE TO FILE A RESPONSE WITHIN TWENTY (20) DAYS OF  
25 SERVICE OF THIS MOTION WILL CONSTITUTE AN ADMISSION OF THE  
26 FACTUAL ALLEGATIONS CONTAINED IN THIS MOTION AND MAY  
27 RESULT IN THE IMPOSITION OF ACTUAL SUSPENSION PURSUANT TO  
28 THE UNDERLYING DISCIPLINARY ORDER. ALSO, FAILURE TO  
REQUEST A HEARING WILL CONSTITUTE A WAIVER OF YOUR RIGHT  
TO A HEARING. SEE RULE 5.314(B) OF THE RULES OF PROCEDURE OF  
THE STATE BAR.

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**NOTICE - INACTIVE ENROLLMENT**

YOU ARE HEREBY NOTIFIED THAT, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(d), IF THE STATE BAR COURT RECOMMENDS ACTUAL SUSPENSION ON ACCOUNT OF A PROBATION VIOLATION OR OTHER DISCIPLINARY MATTER, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE STATE BAR COURT. SEE RULE 5.315, RULES OF PROCEDURE OF THE STATE BAR.

**NOTICE - COST ASSESSMENT**

IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10. SEE RULE 5.129, ET SEQ., RULES OF PROCEDURE OF THE STATE BAR.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF PROBATION

DATED: January 26, 2016

By:   
Terrie Goldade  
Supervising Attorney

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. RESPONDENT HAS NOT COMPLIED WITH THE TERMS OF PROBATION, AND  
3 PROBATION SHOULD BE REVOKED.

4 By order filed October 22, 2014, the Supreme Court imposed discipline on Respondent in  
5 case no. S220720. The Supreme Court suspended Respondent for two years but stayed the  
6 execution of the suspension on the condition that Respondent comply with all terms of probation.

7 As terms of probation, Respondent was ordered as follows:

8 1. provide the Office of Probation with medical waivers upon its request. In a letter  
9 mailed to Respondent on November 12, 2014, the Office of Probation requested that  
10 Respondent provide medical waivers by December 20, 2014. Respondent did not comply  
11 in that Respondent did not provide the Office of Probation with medical waivers until  
12 January 8, 2015.

13 2. comply with the State Bar Act, Rules of Professional Conduct, and all of the  
14 conditions of his probation. He was ordered to report such compliance to the Office of  
15 Probation under penalty of perjury in writing with the reports postmarked no later than  
16 each January 10, April 10, July 10, and October 10 ("quarterly reports"). Respondent has  
17 not complied in that Respondent has filed two of his reports late: his April 10, 2015  
18 quarterly report was postmarked on April 27, 2015, and his July 10, 2015 quarterly report  
19 was faxed September 20, 2015. Respondent has not filed his quarterly report due January  
20 10, 2016.

21 3. attend at least four meetings per month of a 12-step, abstinence-based program and  
22 provide to the Office of Probation satisfactory proof of attendance with each quarterly  
23 report. Respondent has not complied in that his reports for April 10, 2015 (postmarked  
24 April 27, 2015) and July 10, 2015 (faxed September 20, 2015) were late. Additionally,  
25 Respondent only attended two meetings in December 2014 and only three meetings in  
26 January 2015. Respondent has not submitted proof that he attended any meetings for  
27 October, November, and December 2015.

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1 4. obtain psychiatric or psychological treatment from a duly licensed psychiatrist,  
2 psychologist or clinical social worker a minimum of one time per month and furnish  
3 satisfactory evidence with each quarterly report. Treatment was to commence  
4 “immediately and, in any event, no later than 30 days after the effective date of his  
5 discipline”—by December 20, 2014. Respondent is not in compliance in that he (a) was  
6 late submitting proof due on July 10, 2015 (faxed September 20, 2015), and (b) has not  
7 submitted proof of treatment for December 2014 (due January 10, 2015), January  
8 through March 2015 (due April 10, 2015), and October through December 2015 (due  
9 January 10, 2016).

10 5. comply with all conditions of any applicable criminal probation and so declare in his  
11 quarterly reports. Respondent is not in compliance in that he (a) was late declaring his  
12 compliance in his July 10, 2015 quarterly report (faxed September 20, 2015); (b) has not  
13 filed his report due January 10, 2016, and (c) has not declared compliance in his quarterly  
14 report due October 10, 2015: Respondent reported that he “was advised by Inyo County  
15 Probation that [he] gave a positive urinalysis for meth. The violation is still pending and  
16 unresolved and the next appearance is 10/19/15.”

17 6. within one year of the effective date of his discipline—by November 21, 2015, submit  
18 satisfactory evidence completion of Ethics School and passage of the test given at the end  
19 of Ethics School. Respondent has apparently attended Ethics School on October 22,  
20 2015, but has never provided the proof ordered.

21 Consequently, the State Bar Court should recommend revocation of Respondent’s probation.

22 Attached hereto as Exhibit 1 is a certified copy of Respondent’s registration card and  
23 Respondent’s membership records address history with the State Bar of California. Exhibit 1  
24 will be offered as evidence based upon the certification of Membership Records and  
25 Certification to show that Respondent was properly served in this proceeding.

26 A. Respondent Was Served With The Supreme Court Order.

27 It is presumed that Respondent was served with the disciplinary order of the Supreme  
28 Court imposing a period of probation. The clerks of the reviewing courts have a duty to transmit

1 a copy of all decisions of those courts to the parties. (California Rules of Court, rule 8.532(a).)  
2 Pursuant to Evidence Code section 664, there is a rebuttable presumption that such official duties  
3 have been regularly performed. Therefore, absent any evidence to the contrary, it is presumed  
4 that the Supreme Court clerk has complied with the duty to transmit to Respondent a copy of the  
5 order placing Respondent on probation. (*In re Linda D.* (1970) 3 Cal.App. 3d 567; *People v.*  
6 *Smith* (1965) 234 Cal.App.2d 407; *Fischer v. Lukens* (1919) 41 Cal.App. 358.)

7 B. Respondent's Violation of Probation Was Willful

8 Violation of a condition of probation must be willful to warrant discipline. (*In the Matter*  
9 *of Potack* (1991 Review Dept.) 1 Cal. State Bar Ct. Rptr. 525.) A willful failure is demonstrated  
10 by a general purpose or willingness to permit the omission and can be proven by direct or  
11 circumstantial evidence. (*Durbin v. State Bar* (1979) 23 Cal.3d 461; *Zitny v. State Bar* (1966) 64  
12 Cal.2d 787.) It does not require bad faith.

13 The burden of proof in a probation revocation proceeding is the preponderance of the  
14 evidence. (Rule 5.311, Rules of Procedure.) For purposes of determining culpability, it is  
15 misguided to distinguish between "substantial" and "insubstantial" or "technical" violations of  
16 probation conditions. (*In the Matter of Potack*, supra.) Respondent's failure to comply with  
17 probation demonstrates a lack of concern about professional responsibilities, and therefore,  
18 probation should be revoked.

19 II. RESPONDENT'S VIOLATION OF PROBATION WARRANTS THE IMPOSITION  
20 OF THE FULL STAYED SUSPENSION.

21 In a probation revocation proceeding, the hearing judge may recommend actual  
22 suspension up to the entire period of stayed suspension. (Rule 5.312, Rules of Procedure.) In  
23 this case, the Supreme Court imposed a stayed suspension of two years. Based on the violation  
24 of probation, the hearing judge should now recommend that Respondent be actually suspended  
25 for the full period of stayed suspension. Respondent should remain suspended and until  
26 Respondent complies with Standard 1.2(c)(1), Attorney Standards for Attorney Sanctions for  
27 Professional Misconduct. (*In the Matter of Luis* (Review Dept. 2004) 4 Cal. State Bar Ct. Rptr.  
28 737.)

1     III.     UPON FINDING OF VIOLATION OF PROBATION, THE COURT MAY ORDER A  
2     RESPONDENT PLACED ON INACTIVE STATUS.

3             In a probation revocation proceeding, the hearing judge may order the involuntary  
4     inactive enrollment of a Respondent upon a finding that each of the elements of Business and  
5     Professions Code section 6007(d) have occurred. (Rule 5.315, Rules of Procedure.) Those  
6     elements have occurred where the Respondent is under an order of stayed suspension with a  
7     period of probation and has violated that probation and where the hearing judge recommends a  
8     period of actual suspension. (Business and Professions Code, section 6007(d)(1).) See *In the*  
9     *Matter of Tiernan* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 523, 531-532. The order  
10    enrolling a respondent inactive shall be effective upon service unless otherwise ordered by the  
11    judge. (Rule 5.315, Rules of Procedure.)

12   CONCLUSION

13             The Supreme Court has stayed Respondent's suspension and placed him on probation,  
14     and Respondent has violated that probation. The State Bar requests that the hearing judge  
15     recommend revocation of Respondent's probation and the imposition of two years of actual  
16     suspension. Respondent should remain suspended and until Respondent complies with Standard  
17     1.2(c)(1), Attorney Standards for Attorney Sanctions for Professional Misconduct. Furthermore,  
18     the hearing judge should order Respondent placed on involuntary inactive enrollment until the  
19     suspension is effective and order Respondent to comply with Rule 9.20, California Rules of  
20     Court.

21   Respectfully submitted,

22   THE STATE BAR OF CALIFORNIA  
23   OFFICE OF PROBATION

24  
25     DATED: January 26, 2016

26   By:   
27   Terrie Goldade  
28   Supervising Attorney



1           7.       A review of the probation file on Respondent reflects that a disciplinary order  
2 imposing probation is contained therein. A certified copy of said order, filed on October 22,  
3 2014, is attached hereto and incorporated by reference as Exhibit 2. A certified copy of the  
4 Decision filed May 29, 2014 is also included within Exhibit 2 for the Court's convenience.  
5 Pursuant to said order, the terms and conditions of probation imposed on Respondent include the  
6 following:

7                   a. provide the Office of Probation with medical waivers upon its request. In a  
8 letter mailed to Respondent on November 12, 2014, the Office of Probation requested  
9 that Respondent provide medical waivers by December 20, 2014. Respondent did not  
10 comply in that Respondent did not provide the Office of Probation with medical waivers  
11 until January 8, 2015.

12                   b. comply with the State Bar Act, Rules of Professional Conduct, and all of the  
13 conditions of his probation. He was ordered to report such compliance to the Office of  
14 Probation under penalty of perjury in writing with the reports postmarked no later than  
15 each January 10, April 10, July 10, and October 10 ("quarterly reports"). Respondent has  
16 not complied in that Respondent has filed two of his reports late: his April 10, 2015  
17 quarterly report was postmarked on April 27, 2015, and his July 10, 2015 quarterly report  
18 was faxed September 20, 2015. Respondent has not filed his quarterly report due January  
19 10, 2016.

20                   c. attend at least four meetings per month of a 12-step, abstinence-based program  
21 and provide to the Office of Probation satisfactory proof of attendance with each  
22 quarterly report. Respondent has not complied in that his reports for April 10, 2015  
23 (postmarked April 27, 2015) and July 10, 2015 (faxed September 20, 2015) were late.  
24 Additionally, Respondent only attended two meetings in December 2014 and only three  
25 meetings in January 2015. Respondent has not submitted proof that he attended any  
26 meetings for October, November, and December 2015.

27                   d. obtain psychiatric or psychological treatment from a duly licensed psychiatrist,  
28 psychologist or clinical social worker a minimum of one time per month and furnish

1 satisfactory evidence with each quarterly report. Treatment was to commence  
2 “immediately and, in any event, no later than 30 days after the effective date of his  
3 discipline”—by December 20, 2014. Respondent is not in compliance in that he (a) was  
4 late submitting proof due on July 10, 2015 (faxed September 20, 2015), and (b) has not  
5 submitted proof of treatment for December 2014 (due January 10, 2015), January  
6 through March 2015 (due April 10, 2015), and October through December 2015 (due  
7 January 10, 2016).

8 e. comply with all conditions of any applicable criminal probation and so declare  
9 in his quarterly reports. Respondent is not in compliance in that he (a) was late declaring  
10 his compliance in his July 10, 2015 quarterly report (faxed September 20, 2015); (b) has  
11 not filed his report due January 10, 2016, and (c) has not declared compliance in his  
12 quarterly report due October 10, 2015: Respondent reported that he “was advised by  
13 Inyo County Probation that [he] gave a positive urinalysis for meth. The violation is still  
14 pending and unresolved and the next appearance is 10/19/15.”

15 f. within one year of the effective date of his discipline—by November 21, 2015, submit  
16 satisfactory evidence completion of Ethics School and passage of the test given at the end  
17 of Ethics School. Respondent has apparently attended Ethics School on October 22,  
18 2015, but has never provided the proof ordered.

19 8. As Custodian of Records, I have reviewed the entire contents of the probation file  
20 on Respondent which reflects that the relevant portions of the disciplinary orders imposing  
21 probation and a letter confirming the terms and conditions of probation, including suspension,  
22 were provided to the Respondent on November 12, 2014.

23 9. The following documents, attached hereto and incorporated by reference  
24 collectively as Exhibit 3, are contained in the Office of Probation file maintained on respondent:

25 a. Reminder letter mailed to Respondent on November 12, 2014 outlining the  
26 terms and conditions of his probation.

27 b. December 11, 2014 email from Inyo County Probation Department that  
28 Respondent was doing well.

- 1 c. January 5, 2015 letter to Respondent noting his noncompliance with State Bar  
2 probation.
- 3 d. January 8, 2015 fax of Respondent's medical waiver.
- 4 e. January 9, 2015 required probation meeting record.
- 5 f. Respondent's quarterly report to be postmarked by January 10, 2015,  
6 postmarked January 9, 2015, reporting that Respondent was not in compliance  
7 with State Bar probation conditions, including that "Mental Health  
8 verification to be forwarded". Respondent attached an AA verification form,  
9 which showed attendance at two meetings for December 2014.
- 10 g. January 15 through 16, 2015 email with Inyo County Probation Department  
11 regarding Respondent's criminal probation conditions.
- 12 h. April 24, 2015 letter from Respondent's counsel with his report due  
13 postmarked by April 10, 2015; it was postmarked April 27, 2015 and mailed  
14 to an investigator with the Office of Chief Trial Counsel. Respondent  
15 reported he was not in compliance, including that he was "waiting for letter  
16 from psychiatrist Murat Akalin." AA verification and a report from Inyo  
17 County Behavioral Health were attached. (The report was signed by Janelle  
18 Kent, a professional clinical counselor intern; see paragraph t. below.)
- 19 i. April 30, 2015 letter to Respondent setting forth his noncompliance with State  
20 Bar probation.
- 21 j. July 20, 2015 email from Inyo County Probation Department with update  
22 regarding Respondent's criminal probation.
- 23 k. Notice of Counsel Representation form faxed to Respondent's counsel at her  
24 request on September 17, 2015.
- 25 l. Completed Notice of Counsel Representation form faxed September 18, 2015  
26 to Office of Probation.
- 27 m. September 20, 2015 fax from Respondent's counsel which included  
28 Respondent's quarterly report due July 10, 2015. Respondent reported that he

1 was not in compliance with State Bar probation (not filing his quarterly report  
2 timely). Attached were AA verification forms, a September 3, 2015 letter  
3 from Dr. Murat Akalin stating that Respondent had been seen “on a monthly  
4 basis from April 2015 to present”, etc. (Respondent was to have begun  
5 treatment no later than December 20, 2014; the letter did not state whether  
6 Respondent had been seen in September 2015.)

- 7 n. September 21, 2015 printout of California website showing Dr. Akalin’s  
8 license is current.
- 9 o. September 15 through 21, 2015 email trail between Respondent’s counsel and  
10 Office of Chief Trial Counsel regarding Respondent’s April and July 2015  
11 quarterly reports being erroneously mailed to Office of Chief Trial Counsel.
- 12 p. September 23, 2015 email from Inyo County that Respondent violated his  
13 criminal probation by testing positive for methamphetamine on September 11,  
14 2015.
- 15 q. September 24, 2015 email from Inyo County attaching a probation violation  
16 complaint filed in Superior Court on September 24, 2015 alleging that  
17 Respondent violated his criminal probation by “willfully admitting using a  
18 drug” (methamphetamine) on September 11, 2015.
- 19 r. October 9, 2015 fax from Respondent’s counsel which included his quarterly  
20 report due October 10, 2015. Respondent reported that he was not in  
21 compliance with the State Bar Act, Rules of Professional Conduct, and his  
22 State Bar probation in that “I was advised by Inyo County Probation that I  
23 gave a positive urinalysis for meth. The violation is still pending and  
24 unresolved and the next appearance is 10/19/15.” Respondent did not  
25 specifically report that he was in compliance with his criminal probation.  
26 Instead of reporting his abstinence, Respondent wrote in “? Please see page 1  
27 of quarterly report.” On his AA verification for meetings attended in  
28 September 2015, Respondent did not sign verifying his abstinence; he invoked

1 his rights under the 5<sup>th</sup> Amendment, etc. For his mental health verification, he  
2 attached the same copy of the September 3, 2015 letter from Dr. Murat Akalin  
3 which had been included in the September 20, 2015 fax from Respondent's  
4 counsel (with Respondent's quarterly report due July 10, 2015).

- 5 s. October 14, 2015 email from Inyo County attaching an amended probation  
6 violation complaint.
- 7 t. November 20, 2015 printout of California website showing Janelle Gaye Kent  
8 is a Professional Clinical Counselor Intern, not a psychiatrist, psychologist or  
9 clinical social worker.
- 10 u. November 23, 2015 and January 12, 2016 emails to Dr. Akalin asking for  
11 confirmation of the dates of Respondent's appointments.

12 10. A complete review of the Respondent's file reflects that none of the letters  
13 referred to above were returned to the State Bar of California, Office of Probation by the United  
14 States Postal Service as undeliverable, or for any other reason.

15 11. On January 5, 2015, I telephoned Respondent. He stated that he was not sure if  
16 he received the Office of Probation's letter to him mailed November 12, 2014. He stated that he  
17 would look in his office and call back to schedule his ordered meeting. He stated that he did not  
18 have counsel.

19 12. On January 8, 2015, Respondent left me a telephonic voice mail message.

20 13. On January 9, 2015, Respondent left a voice mail message stating that he faxed  
21 his medical release "yesterday". He said that he was going to mail his quarterly report but had  
22 no time. He asked if he could fax it.

23 14. On January 9, 2015, I telephoned Respondent and told him to mail his quarterly  
24 report, since it may be postmarked by the 10<sup>th</sup>. Respondent said he will not have proof of his  
25 psychological treatment. Respondent complained that he does not live in Los Angeles and  
26 cannot comply very easily. I reminded him that he could make a motion to State Bar Court to  
27 modify his conditions. He said that he could not show proof of AA meetings because they are  
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1 confidential. I reminded him that there is an AA attendance sheet included with the courtesy  
2 reminder letter I had mailed him.

3 15. On January 14, 2015, I telephoned Respondent. He stated that he was in with a  
4 counselor now and would call me back when he was done.

5 16. On January 14, 2015, I received a voice mail message from Respondent stating  
6 that he was going to pick up his son and take him to a doctor. He said to call him now, or he  
7 would call me back after lunch.

8 17. On January 14, 2015, I telephoned Respondent and told him that he had submitted  
9 proof of 2 AA meetings for November and 2 AA meetings for December 2014; I reminded him  
10 that he was required to provide proof of attendance at 4 AA meetings each month. I reminded  
11 him to update his membership records phone number. He said he would make a motion to State  
12 Bar Court to have someone other than a clinical social worker satisfy his mental health condition.

13 18. On September 17, 2015, I received a telephonic voice mail message from Victoria  
14 Campbell asking that I fax her a notice of counsel representation form; she wanted to discuss  
15 Respondent's case. (I did so the same day.)

16 19. On September 18, 2015, I received a telephonic voice mail message from Ms.  
17 Campbell stating that she had faxed the completed notice of counsel representation form.

18 20. On September 21, 2015, I received a telephonic voice mail message from Ms.  
19 Campbell.

20 21. On September 21, 2015, I returned Ms. Campbell's call and left a voice mail  
21 message.

22 22. On September 21, 2015, Ms. Campbell telephoned me and we reviewed  
23 Respondent's noncompliance with his conditions.

24 23. On January 26, 2016, I reviewed the Ethics School roster from Office of Chief  
25 Trial Counsel and from that, it appears that Respondent attended Ethics School on October 22,

26 ///

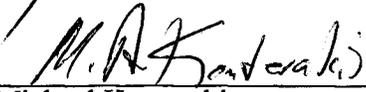
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1 2015. To date, the Office of Probation has not received the proof which Respondent was ordered  
2 to provide to it.

3 I declare under penalty of perjury under the laws of the State of California that the  
4 foregoing is true and correct.

5 Executed this 26<sup>th</sup> day of January, 2016 at Los Angeles, California.

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7 \_\_\_\_\_  
8 Michael Kanterakis  
9 Declarant

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DECLARATION OF SERVICE BY CERTIFIED AND REGULAR MAIL

CASE NUMBER(s): NEW PM

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 845 S. Figueroa Street, Los Angeles, California 90017-2515, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles, on the date shown below, a true copy of the within

**MOTION TO REVOKE PROBATION; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF MICHAEL KANTERAKIS EXHIBITS 1 THROUGH 3; PROBATION REVOCATION RESPONSE FORM { Rule 5.310 et seq., Rules of Procedure of the State Bar}**

in a sealed envelope placed for collection and mailing as Certified mail #7160 3901 9845 4871 9482 and regular mail mailed at Los Angeles, on the date shown below, addressed to:

Gerard B. Harvey  
PO Box 1701  
Bishop, CA 93515

**Courtesy copy by regular mail to:**  
Gerard B. Harvey  
PO Box 1701  
Bishop, CA 93515

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: January 26, 2016

SIGNED:   
Mia Hibler  
Declarant

Counsel for Respondent	(for Court use)
In the Matter of  Bar #  A member of the State Bar of California ("Respondent")	Case no(s).  <b>PROBATION REVOCATION RESPONSE (Rule 5.314, Rules of Procedure)</b>

As required by rule 5.314(B), Rules of Procedure, Respondent attaches one or more declarations to this form which set forth the facts upon which my opposition to the motion to revoke probation is based.

(1)  Respondent requests a hearing in this matter and intends to participate.

**OR**

(2)  Respondent requests that this proceeding be resolved on the pleadings without any hearing.

If you checked box (1), check one of the following:

(a)  Respondent requests the opportunity to cross-examine the person(s) who executed declaration(s) in support of the motion to revoke my probation.

(b)  Respondent does not request the opportunity to cross-examine the person(s) who executed declaration(s) in support of the motion to revoke my probation.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature



# THE STATE BAR OF CALIFORNIA

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: 888-800-3400

November 19, 2015

TO WHOM IT MAY CONCERN:

I, Kathan Lambert, Custodian of Membership Records of the State Bar of California, hereby certify that attached is a full, true and correct copy of the registration card on file in the Membership Records Department of the State Bar of California for GERARD BRENNAN HARVEY, #152669.

THE STATE BAR OF CALIFORNIA

Kathan Lambert  
Custodian of Membership Records

00001

THE STATE BAR OF CALIFORNIA  
REGISTRATION CARD

INFORMATION PROVIDED ON THIS CARD BECOMES PUBLIC RECORD

MEMBER'S FULL NAME  
LAST FIRST MIDDLE  
 HARVEY GERARD BRENNAN  
 (PLEASE PRINT OR TYPE)  
 OFFICE ADDRESS, OR, IF NONE, OTHER ADDRESS FOR STATE BAR PURPOSES:  
 FIRM NAME  
 ADDRESS 1246 CAPE COD WAY  
 CITY CONCORD STATE CA ZIP 94521 +  
 FOREIGN COUNTRY  
 TELEPHONE 415 671-7893  
 BIRTH DATE MONTH 09 DAY 13 YEAR 61 PLACE OF BIRTH PITTSFIELD MA

State Bar Use Only

152669  
NUMBER

06 06 91  
DATE ADMITTED

MAIL RESTRICTION

FEES \$

W.C. \$ 20.00

S.C. \$

TOTAL \$

State Bar Use Only  
 SCHOOL CODE 03917  
 SCHOOL CODE 4065

UNDERGRADUATE DEGREE FROM: University of MASS, ~~Amherst~~ CITY Amherst STATE MA

LAW DEGREE FROM: UOP / McGeorge School of Law CITY Sacto STATE CA

ADDITIONAL EDUCATION:

DATES AND PLACES OF PRIOR ADMISSION TO PRACTICE

10/89

DATE 6/6/91 SIGNED Gerard B. Harvey



# THE STATE BAR OF CALIFORNIA

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: 888-800-3400

November 19, 2015

TO WHOM IT MAY CONCERN:

I, Kathan Lambert, Custodian of Membership Records of the State Bar of California, hereby certify that attached is a full, true and correct copy of the address history on file in the Membership Records Department of the State Bar of California for GERARD BRENNAN HARVEY, #152669 from June 6, 1991 to the date of this certificate.

THE STATE BAR OF CALIFORNIA

Kathan Lambert  
Custodian of Membership Records

00003

Member #: 152669

Date of Admission: 6/06/1991 Status: Active

Effective: 7/10/2015

Name: Gerard B. Harvey

Address:

Eff: 6/28/2013

PO Box 1701  
Bishop CA 93515

Eff: 4/09/2007

P O Box 1701  
Bishop CA 93515

Eff: 3/08/1996

148 N Main #201  
Bishop CA 93514

Eff: 11/23/1992

Bonjour & Thorman  
24301 Southland Dr #312  
Hayward CA 94545

Eff: 7/23/1991

Goodman Herbert & Lucas  
P O Box JJ  
Fairfield CA 94533

Eff: 6/06/1991

1246 Cape Cod Way  
Concord CA 94521

(State Bar Court No. 13-C-11781)

OCT 22 2014

S220720

Frank A. McGuire Clerk

Deputy

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

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In re GERARD BRENNAN HARVEY on Discipline

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The court orders that Gerard Brennan Harvey, State Bar Number 152669, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. Gerard Brennan Harvey is suspended from the practice of law for the first 90 days of probation;
2. Gerard Brennan Harvey must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on May 29, 2014; and
3. At the expiration of the period of probation, if Gerard Brennan Harvey has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Gerard Brennan Harvey must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Gerard Brennan Harvey must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

I, Frank A. McGuire, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.

Witness my hand and the seal of the Court this

\_\_\_\_ day of NOV 5 2014 20  
Clerk

**CANTIL-SAKAUYE**

Chief Justice

00001

# PUBLIC MATTER

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT - LOS ANGELES

**FILED**

MAY 29 2014

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

In the Matter of )  
 ) Case No.: 13-C-11781 - RAH  
GERARD BRENNAN HARVEY, )  
 ) DECISION  
 )  
Member No. 152669, )  
 )  
 )  
A Member of the State Bar. )

## Introduction and Significant Procedural History

Respondent has a long history of addiction and mental health issues. Most recently, he pled guilty and was convicted of a violation of Health and Safety Code section 11550 [unlawfully using and being under the influence of a controlled substance, to wit, methamphetamine.] He was sentenced to formal probation and ordered to participate in Proposition 36 requirements, among other conditions.

On July 8, 2013, the review department of the State Bar Court issued an order referring the matter to the hearing department for a hearing and decision recommending the discipline to be imposed in the event that the hearing department found that the facts and circumstances surrounding the offense(s) for which respondent was convicted involved moral turpitude or other misconduct warranting discipline.

Trial in this court commenced on February 3, 2014. Deputy Trial Counsel Maria L. Ghobadi of the Office of the Chief Trial Counsel represented the State Bar of California, and Victoria L. Campbell represented respondent. The matter was submitted for decision on March 14, 2014.

### **Findings of Fact and Conclusions of Law**

Respondent was admitted to the practice of law in California on June 6, 1991, and has been a member of the State Bar of California at all times since that date.

The record of respondent's conviction is conclusive evidence of respondent's guilt of the crime for which he was convicted. (Bus. & Prof. Code, § 6101, subd. (a); *In the Matter of Respondent O* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 581, 588; *In re Crooks* (1990) 51 Cal.3d 1090, 1097.) Respondent's conviction is therefore conclusive proof that respondent committed all the elements of that crime. (*In re Duggan* (1976) 17 Cal.3d 416, 423; *In the Matter of Respondent O, supra*, 2 Cal. State Bar Ct. Rptr. at p. 588.)

#### **Respondent's Background**

Respondent is a single father with three children ages 6, 15, and 17, and two stepchildren, ages 14 and 18. He has a criminal defense practice in the Owens Valley. He started this practice in 1991, and has handled about 15,000 cases over his career as both a public defender in Inyo County and a private attorney. While a public defender, he was a mentor to other attorneys in the county, providing guidance in the criminal defense field. As a public defender, he was given an extremely large case load, varying between 750 and 1200 cases per year, covering the entire county, including Big Pine, Bishop, Independence, and Death Valley. Despite this difficult case load, out of 46 jury trials, he either won or obtained a hung jury on half of them.

In spring 2008, his mortgage adjusted from \$3,300 to \$5,600 per month. This caused a serious financial burden. At that time, he had been sober for 14 years, but under the pressures he was facing, he relapsed. He was fired from his job, but was rehired after going through in-patient treatment in Temecula, California, away from his family. He began to have problems with his girlfriend. His house went into foreclosure, and was sold at a trustee's sale. On the last

day he owned the house, he relapsed again and drove. He was arrested, and later convicted, for driving under the influence.

Respondent acknowledges his problem and has gained insight into its impact on his career and his family. Further, he agrees that he has to be monitored. He currently sees a drug abuse counselor and goes to either Narcotics Anonymous or Alcoholics Anonymous meetings twice a week.

Respondent has been active in his community. He participated in a local theater company and was in the Rotary Club. For ten years, he was president of the Inyo-Mono Advocates for the Handicapped, advocating for the well-being of those with mental or physical handicaps. He has participated in youth T-ball and soccer and is now an AYSO soccer referee for four games each Saturday.

### **Culpability Findings**

#### **Respondent's Conviction and the Surrounding Facts and Circumstances**

On March 22, 2013, respondent was in court at the Inyo County Superior Court in Independence, California waiting for his matter to be called. Deputy Glenn McClinton, a bailiff at the court, noticed that respondent was exhibiting behavior consistent with someone under the influence of a central nervous system stimulant. Deputy McClinton approached respondent and asked if he was not feeling well. Respondent explained that he was just tired, and he was allowed to finish his matter, after which he left the courtroom. Deputy McClinton was concerned that he may attempt to drive, so he spoke with an investigator from the District Attorney's office and requested that he come to the court to interview respondent. Deputy McClinton spoke with respondent again and inquired as to whether he was intoxicated or otherwise under the influence. Respondent advised Deputy McClinton that he had "tested clean" that morning. When the investigator arrived, respondent was given a narcotics evaluation, and

he concluded that respondent was under the influence of methamphetamine. A urine sample revealed the presence of both amphetamine/methamphetamine and marijuana. Respondent was immediately arrested and on April 17, 2013, pled guilty to a violation of Health and Safety Code section 11550. The court placed respondent on formal probation and imposed Proposition 36 requirements, among other conditions.

Respondent admitted to handling several matters on the court's March 22, 2013, calendar and that he never told his clients or the court that he was under the influence of methamphetamine and that he lied to Deputy McClinton when he stated that he had "tested clean" that morning. Despite his condition, his clients were not harmed by his handling their cases in this condition.

**Prior convictions and subsequent infraction.**

On April 10, 2008, respondent was conducting a jury trial in the Bishop Court House. During the trial and his questioning of Inyo County Sheriff Sergeant Hollowell, officers noticed respondent was exhibiting behavior consistent with someone under the influence of a controlled substance. Due to respondent's in-court behavior he was arrested during a court recess and taken to the police station. A drug recognition evaluation was conducted at the police station. During the drug evaluation performed by Bishop Police Officer Carter, he noticed respondent's face appeared red and flush, his heart rate was between 100-110 beats per minute, his eyes appeared red, glassy, and his eyelids droopy. After respondent failed the various sobriety exams during the drug evaluation and based on Officer Carter's own observations of respondent, he determined respondent was under the influence of a controlled substance. Respondent refused to submit to a urine or blood analysis.

On May 7, 2008, Sergeant Holloway and District Attorney Investigator Roberts were dispatched to the Inyo County Courthouse due to a report that respondent was intoxicated while

in court. Sergeant Holloway entered the courtroom and observed respondent for 15 minutes. While observing respondent in court, Sergeant Holloway noticed respondent had difficulty remaining still, he was grinding his teeth, and he appeared red. Due to Sergeant Holloway's observations he believed respondent was under the influence of a controlled substance. Officers then approached respondent while he was in court and arrested him. Respondent was taken to the police station and a drug recognition evaluation was conducted. Respondent's heart rate was 114 beats per minute, and after failing the various sobriety exams, Sergeant Holloway concluded respondent was under the influence of a controlled substance. A urine sample collected at the time of respondent's arrest was analyzed and confirmed the presence of methamphetamine and marijuana in respondent's system.

In neither of these cases, however, were respondent's clients harmed by his improper behavior of appearing before the court while under the influence of methamphetamine.

On July 17, 2008, the Office of the Attorney General filed a criminal complaint in the Inyo County Superior Court, case no. MBCRM-08-46532, charging respondent with two misdemeanor counts of violating Health and Safety Code Section 11550 [unlawfully using and being under the influence of a controlled substance, to wit, methamphetamine] on April 10 and May 7, 2008. On September 3, 2008, respondent pled no contest to one count of violating Health and Safety Code Section 11550 and the remaining count was dismissed.

The matter was referred to the Office of Probation to determine whether respondent was eligible for Deferred Entry of Judgment pursuant to Penal Code section 1000. On September 17, 2008, respondent was found eligible for that process and was ordered to voluntarily enroll in a court-recognized drug abuse rehabilitation program, report to probation, and pay fines and restitution. On July 7, 2010, the court terminated the deferred entry of judgment and dismissed the matter pursuant to Penal Code section 1000.

On December 31, 2010, respondent was pulled over by California Highway Patrol Officer Otten. Officer Otten conducted a series of field sobriety tests, at the conclusion of which he believed respondent exhibited impairment throughout all portions of the exam. A urine sample collected at the time of respondent's arrest was analyzed and confirmed the presence of methamphetamine, amphetamine, and marijuana in respondent's system.

On May 24, 2011, the Office of the Attorney General filed a criminal complaint in the Inyo County Superior Court, case no. MBCRM-11-51885, charging respondent with one misdemeanor count of a violating Vehicle Code section 23152(a) [driving under the influence of alcohol or drugs (DUI)], a violation of Health and Safety Code Section 11550, and two unrelated misdemeanors. On November 2, 2011, respondent pled guilty to one count of violating Vehicle Code section 23152(a). All remaining counts were dismissed. On November 2, 2011, respondent was sentenced to three years of probation, ordered to pay fines and restitution, to attend and complete a DUI first-offender program, ordered not to drive with alcohol in his system, to submit to alcohol testing, and obey all laws, among other conditions.

On April 18, 2013, respondent was driving a vehicle while talking on his cellphone. Bishop Police Officer Stephens initiated a traffic stop and was informed by dispatch that respondent's license was suspended. Respondent, while on probation for Inyo County Superior Court, case no. MBCRM-13-55077, was cited for violating Vehicle Code sections 14601.1(a) [driving on a suspended license], 23123(a) [talking on a cell phone while driving], and 16028(a) [failure to have auto insurance].

#### **Conclusion(s) of Law**

The court finds that the current misconduct and the facts and circumstances which surround it, do not involve moral turpitude, but constitute other conduct warranting discipline.

## **Aggravation<sup>1</sup>**

### **Harm to the Public and the Administration of Justice (Std. 1.5(f).)**

Respondent appeared in court on this and other occasions while intoxicated and repeatedly over a period of years disobeyed other laws and probation conditions. Respondent was on criminal probation for a prior driving under the influence charge from 2010 when he committed the present offense. Further, after he pled guilty to the violation underlying this matter, he was cited for a Vehicle Code violation for driving on a suspended license and talking on the telephone while driving, an aggravating factor. (See *In the Matter of Taylor* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 563, 580.) Such behavior not only has the potential of harming his clients, it also reflects poorly on the legal system and lawyers in general and demonstrates a lack of respect for the law. These are aggravating circumstances.

### **Mitigation**

#### **No Prior Record (Std. 1.6(a).)**

Respondent had no prior record of discipline for over 20 years before the current misconduct. This is normally a significant mitigating factor. However, its mitigating impact is diminished by respondent's repeated recent criminal conduct, as set forth above.

#### **Extreme Emotional/Physical Difficulties (Std. 1.6(d).)**

Respondent credibly testified as to serious financial stress he faced as a result of the loss of his job as a public defender and the increase in his mortgage payment in 2008.

Murat Z. Akalin, M.D., Board-certified in family medicine and in psychiatry, has been treating respondent for bipolar disorder and chemical dependence for several years. Dr. Akalin reported that respondent's substance abuse issue commenced at about age 36 which resulted in

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<sup>1</sup> All further references to standards (std.) are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct.

family, legal and occupational problems later. He first obtained treatment at age 46 and was able to maintain abstinence from methamphetamines for 18 months. Shortly thereafter, without treatment and monitoring, he relapsed. Over the past years, he has been able to maintain abstinence for as long as one year at a time, most recently in 2011 and 2012 when he wanted to improve his relationship with his children.<sup>2</sup>

Dr. Akalin concluded that respondent's condition was a direct cause of his misconduct. Dr. Akalin has prescribed medication to minimize the symptoms of these disorders and to reduce the likelihood of relapse, and he is guardedly optimistic that respondent will be able to regain control and avoid future incidents such as those he faced prompting this action. The court found Dr. Akalin to be a credible witness.

Respondent is entitled to some mitigation resulting from his bipolar disorder since he is able to treat this condition medically to prevent it from recurring. However, respondent is not entitled to mitigation for his illegal drug abuse, since he has failed to show by clear and convincing evidence that he is not likely to relapse.

**Good Character (Std. 1.6(f))**

Respondent has been active in his community and is entitled to mitigation credit for these activities. Further, respondent's ex-wife, Dana M. Crom, who is also an attorney, testified on respondent's behalf. She noted that respondent has always been a devoted father and has consistently met his obligations to his children. She acknowledged the stress that respondent faced while with the Public Defender's Office. She was aware of the extent of the misconduct. Although this single character testimony does not represent a wide range of references from the legal and general community, the court gives it some mitigating credit, since she is an attorney and is aware of the importance of appropriate attorney conduct.

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<sup>2</sup> Respondent was not subject to court-mandated treatment or monitoring during that time.

**Cooperation with State Bar (Std. 1.6(e).)**

Respondent entered into a detailed stipulation regarding the facts of this matter.

Although many of these facts were easily proven by court records, his cooperation with the State Bar saved valuable court time. He is entitled to some mitigation for his cooperation.

**Discussion**

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to protect the public, to preserve public confidence in the profession, and to maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111; *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1025; std. 1.1.)

Standard 1.7 provides that the appropriate sanction for the misconduct found must be balanced with any mitigating or aggravating circumstances, with due regard for the purposes of imposing discipline. If two or more acts of professional misconduct are found in a single disciplinary proceeding, the sanction imposed must be the most severe of the applicable sanctions. (Std. 1.7(a).) Discipline is progressive. However, the standards do not require a prior record of discipline as a prerequisite for imposing any appropriate sanction, including disbarment. (Std. 1.8.)

Standard 2.12(b) applies in this matter, allowing a range of disciplinary recommendations from reproof to suspension. The Supreme Court gives the standards "great weight" and will reject a recommendation consistent with the standards only where the court entertains "grave doubts" as to its propriety. (*In re Silvertown* (2005) 36 Cal.4th 81, 91, 92; *In re Naney* (1990) 51 Cal.3d 186, 190; std. 1.1.) Although the standards are not mandatory, they may be deviated from when there is a compelling, well-defined reason to do so. (*Bates v. State Bar* (1990) 51 Cal.3d 1056, 1061, fn. 2; *Aronin v. State Bar* (1990) 52 Cal.3d 276, 291; std. 1.1.)

This case involved one misdemeanor conviction for violating Health and Safety Code section 11550, which the court found not to constitute moral turpitude in this instance. In aggravation, the court considered harm. Mitigating circumstances included no prior disciplinary record, financial stress and mental health issues (bipolar disorder), community service and good character. All but the financial stress and community service were afforded only some mitigating weight as noted above.

The State Bar recommends, among other things, six months' actual suspension. Respondent seeks no actual suspension.

The court found instructive *In re Kelley* (1990) 52 Cal.3d 487. In *Kelley*, the Supreme Court publicly reprovved an attorney and placed her on disciplinary probation for a period of three years subject to conditions which included her referral to the State Bar's Program on Alcohol Abuse. The attorney was convicted of drunk driving on two occasions over a 31-month period. The second incident constituted a violation of her criminal probation in the first case. The attorney's blood alcohol level in the second case was between 0.16% and 0.17%. The attorney participated in the disciplinary proceeding and presented evidence in mitigation, including the absence of a prior disciplinary record, extensive community service, compliance with all criminal probation conditions since her second conviction and cooperation in the disciplinary proceedings. *Kelley* is more comparable to the present case but, because respondent's misconduct involved the practice of law, this case merits significantly greater discipline than *Kelley*.

In *Ridge v. State Bar* (1989) 47 Cal.3d 952, one year of actual suspension was imposed on an attorney who appeared in court under the influence of alcohol and had a .17% blood alcohol level. However, *Ridge* is distinguishable from the present case because that matter presented greater misconduct, among other things. Respondent Ridge was held in contempt after

lying to the court about only having two beers at lunch prior to conducting a preliminary hearing. Further, in one client matter, he was found culpable of prolonged failures to communicate and perform and improperly withdrawing from representation. Moreover, he was found grossly negligent, although not dishonest or venal, in mishandling his father's estate, including commingling of funds; refusing to provide an accurate accounting of assets to a beneficiary despite repeated requests over a six-year period; losing accounting records; and removing estate funds from a trust account to avoid possible attachment by the Franchise Tax Board due to tax issues unrelated to the estate.

Respondent has had repeated incidents of misconduct similar to the instant criminal misconduct, all of which has been part and parcel of the practice of law. His misconduct demonstrates a lack of respect for the law and the judicial system. He was under the influence of illegal drugs during court appearances. The evidence does not indicate that clients were actually harmed, but his behavior exposed his clients who were facing criminal charges to harm, including incarceration. He was on criminal probation for a prior driving under the influence charge from 2010 when he committed the present offense. He was cited for driving with a suspended license and for talking on a cell phone while driving the day after pleading guilty to the instant charges.

Having considered these issues, the court also recognizes that respondent's misconduct is the direct result of his addiction. Respondent is addressing the previously undiagnosed mental health issue and the substance abuse by treating with Dr. Akalin and by attending NA meetings. He has consistently tested negative for illegal drugs since June 2013. The court will recommend that respondent be ordered to continue on this path to recovery for his own well-being and for that of his clients, the courts and the legal profession.

Accordingly, having considered the facts and the law, the court believes that two years' stayed suspension with two years' probation on conditions, including 90 days' actual suspension and compliance with certain substance abuse-related conditions<sup>3</sup> will be sufficient to protect the public in this instance.

### **Recommendation**

It is recommended that respondent Gerard Brennan Harvey, State Bar Number 152669, be suspended from the practice of law in California for two years, that execution of that period of suspension be stayed, and that respondent be placed on probation<sup>4</sup> for a period of two years subject to the following conditions:

1. Respondent is suspended from the practice of law for the first 90 days of probation.
2. Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all of the conditions of respondent's probation.
3. Within 10 days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code section 6002.1, subdivision (a), including respondent's current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, respondent must report such change in writing to the Membership Records Office and the State Bar's Office of Probation.
4. During the probation period, respondent must report in writing quarterly to the Office of Probation. The reports must be postmarked no later than each January 10, April 10, July 10, and October 10 of the probation period. Under penalty of perjury, respondent must state in each report whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all of respondent's probation conditions during the preceding calendar quarter or applicable reporting period. If the first report would cover less than 30 days, no report is required at that time; however, the following report must cover the period of time from the commencement of probation to the end of that next quarter. In addition to all quarterly reports, a final report must be postmarked no earlier than 10 days before the last day of the probation period and no later than the last day of the probation period.

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<sup>3</sup> Respondent's criminal probation conditions include making restitution to specified clients.

<sup>4</sup> The probation period will commence on the effective date of the Supreme Court order imposing discipline in this matter. (See Cal. Rules of Court, rule 9.18.)

5. Subject to the assertion of applicable privileges, respondent must answer fully, promptly, and truthfully, any inquiries of the Office of Probation or any probation monitor that are directed to respondent personally or in writing, relating to whether respondent is complying or has complied with respondent's probation conditions.
6. Respondent must comply with all conditions of any applicable criminal probation and must so declare under penalty of perjury in any quarterly report required to be filed with the Office of Probation. If respondent has completed probation in the underlying criminal matter, or completes it during the period of his disciplinary probation, respondent must provide to the Office of Probation satisfactory documentary evidence of the successful completion of the criminal probation in the quarterly report due after such completion. If such satisfactory evidence is provided, respondent will be deemed to have fully satisfied this probation condition.
7. Respondent must obtain psychiatric or psychological treatment from a duly licensed psychiatrist, psychologist or clinical social worker, at respondent's own expense, a minimum of one time per month and must furnish satisfactory evidence of compliance to the Office of Probation with each quarterly report. Treatment should commence immediately and, in any event, no later than 30 days after the effective date of the Supreme Court's final disciplinary order in this proceeding. Treatment must continue for the period of probation or until a motion to modify this condition is granted and that ruling becomes final. If the treating psychiatrist, psychologist or clinical social worker determines that there has been a substantial change in respondent's condition, respondent or the State Bar may file a motion for modification of this condition with the State Bar Court Hearing Department pursuant to rule 5.300 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the psychiatrist, psychologist or clinical social worker, by affidavit or under penalty of perjury, in support of the proposed modification.
8. At the Office of Probation's request, respondent must provide the Office of Probation with medical waivers and access to all of respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, the Office of the Chief Trial Counsel, and the State Bar Court who are directly involved with maintaining, enforcing or adjudicating this condition.
9. Respondent must abstain from using alcoholic beverages and must not use or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.
10. Respondent must attend at least four meetings per month of a 12-step, abstinence based program acceptable to the Office of Probation and must provide to the Office of Probation satisfactory proof of attendance with each quarterly report.
11. Within one year after the effective date of the discipline herein, respondent must submit to the Office of Probation satisfactory evidence of completion of the State

Bar's Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and respondent will not receive MCLE credit for attending Ethics School. (Rules Proc. of State Bar, rule 3201.)

At the expiration of the probation period, if respondent has complied with all conditions of probation, respondent will be relieved of the stayed suspension.

**Multistate Professional Responsibility Examination**

It is recommended that respondent be ordered to take and pass the Multistate Professional Responsibility Examination (MPRE) within one year after the effective date of the Supreme Court order imposing discipline in this matter and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

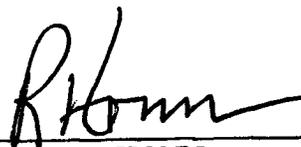
**California Rules of Court, Rule 9.20**

It is further recommended that respondent comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**Costs**

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Dated: May 28, 2014

  
\_\_\_\_\_  
RICHARD A. HONN  
Judge of the State Bar Court

**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 29, 2014, I deposited a true copy of the following document(s):

**DECISION**

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

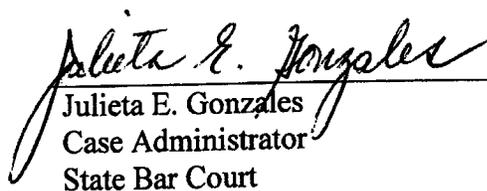
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

VICTORIA L CAMPBELL  
LAW OFFICE OF VICTORIA L. CAMPBELL  
308 WEST LINE ST STE 5  
BISHOP, CA 93514

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

Eli D. Morgenstern, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 29, 2014.

  
\_\_\_\_\_  
Julieta E. Gonzales  
Case Administrator  
State Bar Court

1 Victoria L. Campbell, SBN 149157  
Attorney at Law  
2 308 West Line Street, Ste. 5  
P.O. Box 1413  
3 Bishop, CA 93515  
(760) 873-7070  
4 Fax: (760) 873-8080

5 Attorney for Respondent,  
Gerard Brennan Harvey  
6

**FILED**  
AUG 14 2013  
STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

7  
8 THE STATE BAR COURT  
9 HEARING DEPARTMENT - LOS ANGELES  
10

11 In the Matter of ) Case No.: 13-C-11781  
12 GERARD BRENNAN HARVEY, ) RESPONSE TO NOTICE OF  
13 Member of the State Bar, No. 152669. ) HEARING ON CONVICTION  
14 )  
15 ) DATE: August 16, 2013  
TIME: 1:30 p.m.  
TRIAL DATE: Not Set

16 Respondent, Gerard Brennan Harvey, admits the misdemeanor conviction under  
17 Health and Safety Code section 11550, subdivision (a) (unlawful use of controlled substance  
18 - methamphetamine), as alleged in the notice.

19 Respondent specifically denies that the facts and circumstances surrounding the  
20 misdemeanor violation involved moral turpitude or other misconduct warranting discipline.

21  
22 Dated: 8-12-13

By:   
Victoria L. Campbell  
Attorney for Respondent,  
Gerard Brennan Harvey

3 PROOF OF SERVICE

4 I am a resident of the State of California, I am over the age of eighteen years and not  
5 a party to the within entitled action; my business address is: P.O. Box 1413, Bishop, CA  
6 93515. On August 12, 2013, I served the within:

7 RESPONSE TO NOTICE OF HEARING ON CONVICTION

8 on the interested party/ies in said action, as listed below:

9 XX BY FAX: by transmitting via facsimile the document(s) listed above to the fax  
10 number(s) set forth below on this date.

11      BY HAND: by personally delivering the document(s) listed above to the  
12 person(s) at the address(es) set forth below.

13 XX BY MAIL: by placing the document(s) listed above in a sealed envelope with postage  
14 thereon fully prepaid, in the United States mail at Bishop, California addressed as set  
15 forth below.

16      BY OVERNIGHT MAIL: by causing document(s) to be picked up by an  
17 overnight delivery service company for delivery to the addressee(s) on the  
18 next business day.

19      BY PERSONAL DELIVERY: by causing personal delivery by \_\_\_\_\_  
20 \_\_\_\_\_ of the document(s) listed above to the person(s) at the address(es) set  
21 forth below.

22 Maria L. Ghobadi  
23 Deputy Trial Counsel  
24 1149 South Hill Street  
25 Los Angeles, CA 90015-2299  
26 Fax: (760) 213) 765-1383

27 I declare under penalty of perjury under the laws of the State of California that the  
28 foregoing is true and correct. Executed on August 12, 2013, at Bishop, California.

23  
24            
25 VICTORIA L. CAMPBELL

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL  
CHARLES A. MURRAY, No. 146069  
1149 South Hill Street  
Los Angeles, California 90015-2299  
Telephone: (213) 765-1000

**ORIGINAL  
FILED**

JUN 11 2013 **JL**

IN THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

IN THE MATTER OF THE )  
CONVICTION OF: ) Case No. 13-C-11781  
)  
) Transmittal of Records of Conviction of Attorney (Bus. & Prof.  
**GERARD BRENNAN HARVEY,** ) Code §§ 6101-6102; Cal. Rules of Court, rule 9.5 et seq.)  
**No. 152669** )  
) [ ] Felony;  
) [ ] Crime(s) involved moral turpitude;  
A Member of the State Bar ) [ ] Probable cause to believe the crime(s) involved moral  
) turpitude;  
) [ X ] Crime(s) which may or may not involve moral turpitude or  
) other misconduct warranting discipline;  
) [ ] Transmittal of Notice of Finality of Conviction.

To the CLERK OF THE STATE BAR COURT:

1. Transmittal of records.

- [ X ] A. Pursuant to the provisions of Business and Professions Code, section 6101-6102 and California Rules of Court, rule 9.5 et seq., the Office of the Chief Trial Counsel transmits a certified copy of the record of convictions of the following member of the State Bar and for such consideration and action as the Court deems appropriate:
- [ ] B. Notice of Appeal
- [ ] C. Evidence of Finality of Conviction (Notice of Lack of Appeal)
- [ ] D. Other

Name of Member: Gerard Brennan Harvey

Date member admitted to practice law in California: 06/06/91

Member's Address of Record: P. O. Box 1701  
Bishop, CA 93515

2. Date and court of conviction; offense(s).

The record of conviction reflects that the above-named member of the State Bar was convicted as follows:

Date of entry of conviction: April 17, 2013

Convicting court: Superior Court of California, County of Inyo

Case number(s): MBCRM-13-55077

00019

Crime(s) of which convicted and classification(s): Violation of Health & Safety Code § 11550 (a) (Use of Controlled Substance), one count, a misdemeanor which may or may not involve moral turpitude as in In the Matter of Carr (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 108.

3. Compliance with Rule 9.20. (Applicable only if checked.)

We bring to the Court's attention that, should the Court enter an order of interim suspension herein, the Court may wish to require the above-named member to comply with the provisions of rule 9.20, California Rules of Court, paragraph (a), within 30 days of the effective date of any such order; and to file the affidavit with the Clerk of the State Bar Court provided for in paragraph (c) of rule 9.20 within 40 days of the effective date of said order, showing the member's compliance with the provisions of rule 9.20.

4. Other information to assist the State Bar Court

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DOCUMENTS TRANSMITTED:

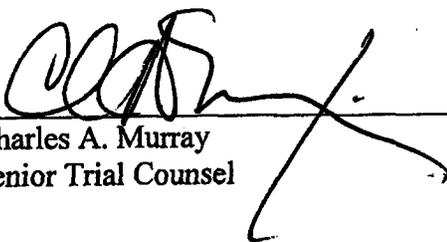
Complaint  
Minute Order dated 04/17/13 (conviction)

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED:

6/11/2013

BY:

  
Charles A. Murray  
Senior Trial Counsel

A copy of this transmittal and its  
Attachments have been sent to:

Gerard Brennan Harvey  
P. O. Box 1701  
Bishop, CA 93515

00020

**DECLARATION OF SERVICE**  
by  
U.S. CERTIFIED MAIL

**CASE NUMBER(s): 13-C-11781**

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California 90015, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

**TRANSMITTAL OF RECORDS OF CONVICTION OF ATTORNEY; MINUTE ORDER DATED 4/17/13 (CONVICTION)**

- By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))**  
- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.
- By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))**  
- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.
- By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))**  
- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service (UPS).
- By Fax Transmission: (CCP §§ 1013(e) and 1013(f))**  
Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.
- By Electronic Service: (CCP § 1010.6)**  
Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

- (for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: (see below)
- (for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,  
Article No.: 7160 3901 9844 3983 1170 at Los Angeles, addressed to: (see below)
- (for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS,  
Tracking No.: addressed to: (see below)

Person Served	Business-Residential Address	Fax Number	Courtesy Copy to:
GERARD BRENNAN HARVEY	P.O. BOX 1701 BISHOP, CA 93515	Electronic Address	

- via inter-office mail regularly processed and maintained by the State Bar of California addressed to:  
N/A

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service (UPS). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: JUNE 11, 2013

SIGNED:

  
KIM WIMBISH  
Declarant

00021



THE STATE BAR  
OF CALIFORNIA

845 S. FIGUEROA STREET, LOS ANGELES, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL  
ENFORCEMENT

TELEPHONE: (213) 765-1309  
FAX: (213) 765-1029  
TDD: (213) 765-1566  
<http://www.calbar.ca.gov>

## State Bar of California Ethics/CTA School Enrollment Form

DATE: \_\_\_\_\_

APPLICANT'S NAME: \_\_\_\_\_ SBN: \_\_\_\_\_

APPLICANT'S ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

**LOS ANGELES**  
845 South Figueroa Street  
Los Angeles, CA 90017-2515

**SAN FRANCISCO**  
180 Howard Street  
San Francisco, CA 94105

ETHICS (\$150) DATE OF CLASS: \_\_\_\_\_ LOCATION (LA OR SF): \_\_\_\_\_  
CTA (\$100) DATE OF CLASS: \_\_\_\_\_ LOCATION (LA OR SF): \_\_\_\_\_

Return completed Application Enrollment Form with personal check, money order or cashier's check made payable to the State Bar of California, 845 S. Figueroa Street, Los Angeles, CA, 90017-2515, attention: Letty Ramos, Office of the Chief Trial Counsel. Upon receipt of your application and payment, a confirming reservation letter will be mailed to you. If you have any questions, please contact Letty Ramos at (213) 765-1309 or by fax at (213) 765-1029.

Please indicate below the reason for your attendance:

- Supreme Court Order/State Bar Court Decision after hearing requiring attendance
- Supreme Court Order/State Bar Court Order following stipulated disposition requiring attendance
- Agreement in Lieu of Discipline
- Voluntary Agreement with the Office of the Chief Trial Counsel
- State Bar Applicant for Admission
- Voluntarily

You can register for Ethics School and/or Client Trust Accounting School by: 1) mailing application form with payment to the address on the form; or 2) going online at [www.calbar.ca.gov](http://www.calbar.ca.gov). Home > Attorneys > Lawyer Regulation > Ethics Schools, go to end of section and click on **Register Now**, or click on **Class Schedule and Registration**. You are **NOT** registered until your payment is received. If you have any questions, please contact Letty Ramos at (213) 765-1309.



**THE STATE BAR  
OF CALIFORNIA**

845 SOUTH FIGUEROA STREET, LOS ANGELES, CALIFORNIA 90017-2515

**OFFICE OF PROBATION**

Terrie Goldade, Supervising Attorney (213) 765-1494

TELEPHONE: (213) 765-1000

FAX: (213) 765-1439

<http://www.calbar.ca.gov>

**Michael Angelo Kanterakis: (213) 765-1410**

November 12, 2014

Gerard Brennan Harvey  
PO Box 1701  
Bishop, CA 93515

**OFFICE OF PROBATION  
ADDRESS VERIFIED  
November 12, 2014**

BY: \_\_\_\_\_

In re: **S220720**

In the Matter of **Gerard Brennan Harvey**

Dear Gerard Brennan Harvey:

This reminder letter is sent to you as a courtesy and based upon information that you are not currently represented by counsel in this matter—the enforcement of your probation terms and conditions. If this is incorrect, please complete the Notice of Counsel Representation form and submit the original to the Office of Probation within five days so that future communications may be directed to your counsel.

As you know, on October 22, 2014, the Supreme Court of California filed an Order, effective November 21, 2014, suspending you from the practice of law for a period of two years, staying execution and placing you on probation upon certain conditions for a period of two years. Further, pursuant to the Order of the Court, you have been placed on actual suspension for the first the first 90 days of probation of your probation.<sup>1</sup>

Please take notice that attorneys are not relieved of MCLE requirements during the pendency of their disciplinary period.

Rule of Professional Conduct 1-311 requires that a firm or attorney who employs an attorney who is disbarred, resigned, suspended or involuntarily enrolled inactive, provide certain notices to the State Bar and to clients. While there is no prescribed form, in order to assist attorneys to comply with the rule, the State Bar has created notices for the employer's use. If you are or become employed by an attorney or a law firm, please remind your employer of this requirement. Forms are available at the State Bar website under Attorney Forms/Reportable Actions or you may contact the Intake Unit, Office of the Chief Trial Counsel, at (213) 765-1000.

**You must schedule a meeting with me to discuss the terms and conditions of your discipline within 30 days from the effective date of discipline. Make sure you read this letter including all attachments before the required meeting.**

<sup>1</sup> Please review your stipulation or decision carefully. You may have been ordered to remain on actual suspension until you have fully paid the costs imposed as a result of your discipline. The Office of Probation does NOT monitor costs. If you have questions, contact Membership Billing at (415) 538-2360.

The Court has also ordered you to comply with the provisions of Rule 9.20, California Rules of Court. Your affidavit must be timely filed with the State Bar Court by no later than **December 30, 2014**. If you decide to file a 9.20 affidavit now, do NOT submit the original affidavit to the Office of Probation; the affidavit must be filed with the State Bar Court.

Please take appropriate precautions to ensure that your affidavit is filed with the State Bar Court. You may wish to verify your filing via personal delivery or tracked delivery to the State Bar Court, review of the Court docket on the State Bar of California's website, or by obtaining a conformed copy from the State Bar Court.

**If your original affidavit is sent to the Office of Probation, it was NOT filed with the State Bar Court and it will NOT be filed on your behalf.** Even after you file your 9.20 affidavit with the State Bar Court, your "filed" affidavit will not be considered compliant until it is approved by the Office of Probation.

Additionally, by court order, you must take and provide proof of successful passage of the Multi-State Professional Responsibility Examination (MPRE) to the Office of Probation on or before **November 21, 2015**. You must select "California" as the jurisdiction to receive your score report during registration. It is important that you plan to take this examination well in advance of the due date so that you can re-take the examination if you do not receive a passing score. The passing scaled score is 86. The MPRE is only offered three (3) times a year, but you may not have three chances to take the MPRE by your particular deadline. Failure to provide proof of passage of this examination by the due date may result in your indefinite suspension until you provide proof that you have passed the examination. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn 8.)

In order to comply with the terms and conditions of your probation, you must report the status of your compliance, in each and every respect, by letter with any attachments, executed under penalty of perjury, and addressed to the Office of Probation. As a courtesy, the Office of Probation has prepared a Quarterly Report form for your use. Should you happen to lose your Quarterly Report form, you must submit your request for a copy in writing explaining why you could not maintain a copy for yourself.

Each of your reports must be a clear and unequivocal statement of compliance. See *In the Matter of Carr* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 244. If it is not, it can be rejected for filing.

Please read the Instructions and review the Quarterly Report carefully to determine whether you believe that it accurately reflects the required terms and conditions. If you believe there is an error, or if there are any questions, please notify me immediately. **You are responsible for timely complying with each and every term and condition whether or not it is reflected in this letter and/or the Quarterly Report form.** You are reminded that for all conditions, proof of compliance must be physically received in the Office of Probation by your due date. **Being even one day late** means that you are **NOT** in compliance.

The conditions of your probation with compliance due dates are outlined below. Please note this summary **only** reflects those conditions and compliance due dates that require submission of proof of compliance to the Office of Probation. For a thorough review of all conditions, please refer to the enclosed copy of that portion of the disciplinary order setting forth the conditions of probation.

<u>Condition</u>	<u>Deadline(s)</u>
1. Medical Waiver	December 20, 2014
2. Contact Probation Deputy & Schedule Required Meeting	December 20, 2014
3. Rule 9.20	December 30, 2014
4. Quarterly Reports	Quarterly, beginning January 10, 2015
5. Conditions of Probation in Underlying Criminal Matter	Quarterly, beginning January 10, 2015
6. Psych Reports (must begin treatment by 12.20.14)	Attend monthly, proof due quarterly
7. Alcohol/Drug Abstinence Reports	Quarterly, beginning January 10, 2015
8. AA Meetings Attendance	Attend at least 4 times per month, proof due quarterly
9. State Bar Ethics School	November 21, 2015
10. MPRE	November 21, 2015
11. Final Report	November 21, 2016

You are reminded that all Quarterly Reports are due on or before the 10<sup>th</sup> day after the end of each quarter. If the 10<sup>th</sup> falls on a holiday or a weekend, the report must be received by the Office of Probation **prior** to that holiday or weekend. Your Final Report is due on or before November 21, 2016.

If your underlying criminal probation matter terminates or expires, you do not have a criminal probation matter with which to comply. Accordingly, you must submit to the Office of Probation proof of successful completion, e.g., a **recent** Court docket sheet showing termination date.

Pursuant to your Order, you must obtain psychiatric or psychological help/treatment from a duly **licensed** psychiatrist, psychologist, or clinical social worker. Help/treatment should commence immediately, and in any event, no later than thirty (30) days after the effective date of your discipline. Please provide the Office of Probation with the name and phone number of your treating mental health professional (practitioner) for preapproval before you begin treatment. You are also required to furnish the Office of Probation with a written waiver authorizing your practitioner to disclose information regarding your compliance with this condition. A copy of an Authorization to Obtain and Disclose Medical Information form is enclosed; please submit your completed form immediately. You must request the qualified practitioner to submit an **original** signed written report to the Office of Probation noting the date(s) that you received treatment **and** confirming that you are in compliance with all

Gerard Brennan Harvey  
November 12, 2014  
Page 4

treatment conditions. You must request such report each quarter with enough notice so that the report is timely received by the Office of Probation on or before each January 10<sup>th</sup>, April 10<sup>th</sup>, July 10, and October 10<sup>th</sup>.

You are required to report, and in no event in more than ten (10) days, to the Membership Records Office of the State Bar and the Office of Probation, all changes of information including current name, office address and telephone number, or other address for State Bar purposes as prescribed by section 6002.1 of the Business and Professions Code. The Office of Probation will only send documents to your official membership records address.

Further, please be advised that the Office of Probation **does not** have the authority to extend compliance due dates or modify the terms and conditions of the discipline order. **Request for extension of time or modification of the terms and conditions of the discipline order must be filed with the State Bar Court Hearing Department or Review Department.** See, Rules of Procedure of the State Bar of California, rules 5.162 and 5.300, et seq. A copy of the motion must be served upon the Office of Probation. **Failure to timely submit reports or any other proof of compliance may result in a non-compliance referral** which may lead to the imposition of additional discipline.

Enclosed are copies of the Supreme Court Order and conditions of probation, which you have already received from the Courts or your counsel, Rule 9.20 - California Rules of Court, Rules 5.330 and 5.332 - Rules of Procedure, Affidavit form, Multi-State Professional Responsibility Examination schedule, Authorization to Obtain and Disclose Medical Information, AA Attendance and Verification form, Quarterly Report with instructions, and Notice of Counsel Representation form. Also enclosed is scheduling and enrollment information for the State Bar's Ethics School.

It is recommended that you maintain a file containing all orders as well as communication between the Office of Probation and yourself. Keep your file in a convenient location so that if you have contact with the Office of Probation, any question can be quickly addressed. It is further recommended that you sign all original documents in blue so that the Office of Probation will immediately be able to ascertain whether you have provided the required original(s).

Please note that the Court has determined that the repeated need of the State Bar to actively intervene to seek compliance with disciplinary terms and conditions is inconsistent with the self-governing nature of probation as a rehabilitative part of the attorney discipline system. *In the Matter of Gorman* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 567, 573.

Sincerely,



Michael Angelo Kanterakis  
Probation Deputy

/mak  
Enclosures

00004

(State Bar Court No. 13-C-11781)

OCT 22 2014

S220720

Frank A. McGuire Clerk

Deputy

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

In re GERARD BRENNAN HARVEY on Discipline

The court orders that Gerard Brennan Harvey, State Bar Number 152669, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. Gerard Brennan Harvey is suspended from the practice of law for the first 90 days of probation;
2. Gerard Brennan Harvey must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on May 29, 2014; and
3. At the expiration of the period of probation, if Gerard Brennan Harvey has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Gerard Brennan Harvey must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Gerard Brennan Harvey must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

I, Frank A. McGuire, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.  
Witness my hand and the seal of the Court this

**CANTIL-SAKAUYE**

Chief Justice

day of NOV 5 2014 20  
Clerk

00005

Accordingly, having considered the facts and the law, the court believes that two years' stayed suspension with two years' probation on conditions, including 90 days' actual suspension and compliance with certain substance abuse-related conditions<sup>3</sup> will be sufficient to protect the public in this instance.

### **Recommendation**

It is recommended that respondent Gerard Brennan Harvey, State Bar Number 152669, be suspended from the practice of law in California for two years, that execution of that period of suspension be stayed, and that respondent be placed on probation<sup>4</sup> for a period of two years subject to the following conditions:

1. Respondent is suspended from the practice of law for the first 90 days of probation.
2. Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all of the conditions of respondent's probation.
3. Within 10 days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code section 6002.1, subdivision (a), including respondent's current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, respondent must report such change in writing to the Membership Records Office and the State Bar's Office of Probation.
4. During the probation period, respondent must report in writing quarterly to the Office of Probation. The reports must be postmarked no later than each January 10, April 10, July 10, and October 10 of the probation period. Under penalty of perjury, respondent must state in each report whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all of respondent's probation conditions during the preceding calendar quarter or applicable reporting period. If the first report would cover less than 30 days, no report is required at that time; however, the following report must cover the period of time from the commencement of probation to the end of that next quarter. In addition to all quarterly reports, a final report must be postmarked no earlier than 10 days before the last day of the probation period and no later than the last day of the probation period.

---

<sup>3</sup> Respondent's criminal probation conditions include making restitution to specified clients.

<sup>4</sup> The probation period will commence on the effective date of the Supreme Court order imposing discipline in this matter. (See Cal. Rules of Court, rule 9.18.)

5. Subject to the assertion of applicable privileges, respondent must answer fully, promptly, and truthfully, any inquiries of the Office of Probation or any probation monitor that are directed to respondent personally or in writing, relating to whether respondent is complying or has complied with respondent's probation conditions.
6. Respondent must comply with all conditions of any applicable criminal probation and must so declare under penalty of perjury in any quarterly report required to be filed with the Office of Probation. If respondent has completed probation in the underlying criminal matter, or completes it during the period of his disciplinary probation, respondent must provide to the Office of Probation satisfactory documentary evidence of the successful completion of the criminal probation in the quarterly report due after such completion. If such satisfactory evidence is provided, respondent will be deemed to have fully satisfied this probation condition.
7. Respondent must obtain psychiatric or psychological treatment from a duly licensed psychiatrist, psychologist or clinical social worker, at respondent's own expense, a minimum of one time per month and must furnish satisfactory evidence of compliance to the Office of Probation with each quarterly report. Treatment should commence immediately and, in any event, no later than 30 days after the effective date of the Supreme Court's final disciplinary order in this proceeding. Treatment must continue for the period of probation or until a motion to modify this condition is granted and that ruling becomes final. If the treating psychiatrist, psychologist or clinical social worker determines that there has been a substantial change in respondent's condition, respondent or the State Bar may file a motion for modification of this condition with the State Bar Court Hearing Department pursuant to rule 5.300 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the psychiatrist, psychologist or clinical social worker, by affidavit or under penalty of perjury, in support of the proposed modification.
8. At the Office of Probation's request, respondent must provide the Office of Probation with medical waivers and access to all of respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, the Office of the Chief Trial Counsel, and the State Bar Court who are directly involved with maintaining, enforcing or adjudicating this condition.
9. Respondent must abstain from using alcoholic beverages and must not use or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.
10. Respondent must attend at least four meetings per month of a 12-step, abstinence based program acceptable to the Office of Probation and must provide to the Office of Probation satisfactory proof of attendance with each quarterly report.
11. Within one year after the effective date of the discipline herein, respondent must submit to the Office of Probation satisfactory evidence of completion of the State

Bar's Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and respondent will not receive MCLE credit for attending Ethics School. (Rules Proc. of State Bar, rule 3201.)

At the expiration of the probation period, if respondent has complied with all conditions of probation, respondent will be relieved of the stayed suspension.

**Multistate Professional Responsibility Examination**

It is recommended that respondent be ordered to take and pass the Multistate Professional Responsibility Examination (MPRE) within one year after the effective date of the Supreme Court order imposing discipline in this matter and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

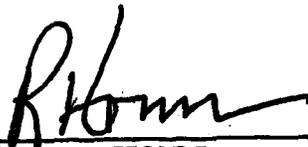
**California Rules of Court, Rule 9.20**

It is further recommended that respondent comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**Costs**

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Dated: May 28, 2014

  
\_\_\_\_\_  
RICHARD A. HONN  
Judge of the State Bar Court



# 2014 California Rules of Court

## Rule 9.20. Duties of disbarred, resigned, or suspended attorneys

### (a) Disbarment, suspension, and resignation orders

The Supreme Court may include in an order disbaring or suspending a member of the State Bar, or accepting his or her resignation, a direction that the member must, within such time limits as the Supreme Court may prescribe:

- (1) Notify all clients being represented in pending matters and any co-counsel of his or her disbarment, suspension, or resignation and his or her consequent disqualification to act as an attorney after the effective date of the disbarment, suspension, or resignation, and, in the absence of co-counsel, also notify the clients to seek legal advice elsewhere, calling attention to any urgency in seeking the substitution of another attorney or attorneys;
- (2) Deliver to all clients being represented in pending matters any papers or other property to which the clients are entitled, or notify the clients and any co-counsel of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property;
- (3) Refund any part of fees paid that have not been earned; and
- (4) Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties of the disbarment, suspension, or resignation and consequent disqualification to act as an attorney after the effective date of the disbarment, suspension, or resignation, and file a copy of the notice with the court, agency, or tribunal before which the litigation is pending for inclusion in the respective file or files.

*(Subd (a) amended effective January 1, 2007; previously amended effective December 1, 1990.)*

### (b) Notices to clients, co-counsel, opposing counsel, and adverse parties

All notices required by an order of the Supreme Court or the State Bar Court under this rule must be given by registered or certified mail, return receipt requested, and must contain an address where communications may be directed to the disbarred, suspended, or resigned member.

*(Subd (b) amended effective January 1, 2007; previously amended effective December 1, 1990.)*

### (c) Filing proof of compliance

Within such time as the order may prescribe after the effective date of the member's disbarment, suspension, or resignation, the member must file with the Clerk of the State Bar Court an affidavit showing that he or she has fully complied with those provisions of the order entered under this rule. The affidavit must also specify an address where communications may be directed to the disbarred, suspended, or resigned member.

*(Subd (c) amended effective January 1, 2007; previously amended effective December 1, 1990.)*

### (d) Sanctions for failure to comply

A disbarred or resigned member's willful failure to comply with the provisions of this rule is a ground for denying his or her application for reinstatement or readmission. A suspended member's willful failure to comply with the provisions of this rule is a cause for disbarment or suspension and for revocation of any pending probation. Additionally, such failure may be punished as a contempt or a crime.

*(Subd (d) amended effective January 1, 2007; previously relettered and amended effective December 1, 1990.)*

**Division 6. Special Proceedings**  
**Chapter 1. Rule 9.20 Proceedings**

**Rule 5.330 Nature of Proceeding**

A rule 9.20 proceeding is one in which the member is charged with failing to comply with rule 9.20 of the California Rules of Court as ordered by the Supreme Court. These rules apply to rule 9.20 proceedings.

**Rule 5.331 Definitions**

- (A) **Rule 9.20.** As used in these rules, "rule 9.20" refers to rule 9.20 of the California Rules of Court, and "rule 9.20 order" means an order requiring a member to comply with rule 9.20 of the California Rules of Court.
- (B) **"Declaration of Compliance" Defined.** A declaration signed by a member to comply or attempt to comply with a rule 9.20 order.

**Rule 5.332 Filing and Service of Declarations of Compliance**

- (A) **Proof of Service.** All declarations of compliance must be accompanied by proof of service on the Office of Probation.
- (B) **Mandatory Filing.** The Clerk of the State Bar Court must file all declarations of compliance, regardless of their form or the date submitted.
- (C) **No Proof of Service.** If the Clerk of the State Bar Court receives a declaration that is not accompanied by proof of service on the Office of Probation, the Clerk will file the declaration and serve it on the Office of Probation.

**Rule 5.333 Time for Filing Proceeding Based on Untimely or Formally Defective Declaration**

- (A) **Untimely or Defective Filing.** Any notice of disciplinary charges alleging that a declaration of compliance was untimely filed or was defective in form must be filed within 90 days after the declaration is served on the Office of Probation, unless the Court permits a later filing for good cause shown.
- (B) **Time Limit Inapplicable.** This time limit does not apply to a notice of disciplinary charges alleging a substantive defect in a declaration of compliance or alleging failure to file any declaration of compliance.
- (C) **Defects in Substance.** For purposes of this rule, if a declaration of compliance fails to state that the member fully complied with the requirements of rule 9.20(a), the failure is a defect in substance and not a defect in form covered by this rule.

State Bar Court

Counsel for Respondent:	Case Number(s):	For Court's Use Only:
In the Matter of  A Member of the State Bar of California	RULE 9.20 COMPLIANCE DECLARATION	

I, \_\_\_\_\_, State Bar member number \_\_\_\_\_, have been ordered to comply with the provisions of subdivisions (a) and (c) of rule 9.20, California Rules of Court, as part of a suspension ordered by the State Bar Court or Supreme Court, or an order of disbarment or an order accepting my resignation by the Supreme Court.

[Answer each question by checking one box per question. If neither option is correct, attach a declaration under penalty of perjury explaining your situation.]

Within 30 days of the effective date of the order of suspension/disbarment/acceptance of resignation ("effective date"): (See rule 9.18(a), California Rules of Court):

1.  I notified all clients and co-counsel, in matters that were pending on the date upon which the order to comply with rule 9.20 was filed by certified or registered mail, return receipt requested, of my consequent disqualification to act as an attorney after the effective date of the order of suspension/disbarment, and in those cases where I had no co-counsel, I urged the clients to seek legal advice elsewhere, calling attention to any urgency in seeking another attorney.
- As of the date upon which the order to comply with rule 9.20 was filed, I had no clients.
2.  I delivered to all clients any papers or other property to which the clients were entitled, or notified clients and co-counsel, if any, of a suitable time and place where the papers or other property could be obtained, and called attention to any urgency for obtaining the papers or other property.
- As of the date upon which the order to comply with rule 9.20 was filed, I had no papers or other property to which clients were entitled.
3.  I refunded fees paid, any part of which had not been earned.
- As of the date upon which the order to comply with rule 9.20 was filed, I had earned all fees paid to me.
4.  I notified all opposing counsel or adverse parties not represented by counsel in matters that were pending on the date upon which the order to comply with rule 9.20 was filed by certified or registered mail, return receipt requested, of my disqualification to act as an attorney after the effective date of my suspension, disbarment, or the Supreme Court's acceptance of my resignation, and filed a copy of my notice to opposing counsel/adverse parties with the court, agency or tribunal before which litigation was pending for inclusion in its files.
- As of the date upon which the order to comply with rule 9.20 was filed, I did not represent any clients in pending matters.
5.  In the future, communications may be directed to me at the following address: \_\_\_\_\_

[If this is not your current State Bar membership address, this declaration will change your membership address.  
See Bus. & Prof. Code §6002.1(b)]

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at \_\_\_\_\_, California, on \_\_\_\_\_.

**Wilful failure to comply with the provisions of rule 9.20 may result in revocation of probation; suspension; disbarment; denial of reinstatement; or, contempt or conviction.**

\_\_\_\_\_  
[Signature]

\_\_\_\_\_  
(Print Name)

# MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION ("MPRE")

## 2015 Examination Schedule and Information

*This document was created as a courtesy by the State Bar of California, Office of Probation.*

The State Bar of California does NOT administer the MPRE.  
**TO REGISTER AND FOR THE MOST RECENT INFORMATION REGARDING MPRE TEST  
 DATES, DEADLINES, RESOURCES, ETC., YOU MUST CONTACT:**

**National Conference of Bar Examiners ("NCBE")**

**Website: www.ncbex.org**

**Registration opens on Monday, December 15, 2014**

Test Dates*	Regular Registration Deadline (\$80)*	Late Registration Deadline (\$160)*	Scores Tentatively Released by
Saturday, March 28, 2015	February 5, 2015	February 12, 2015	May 2, 2015
Saturday, August 15, 2015	June 25, 2015	July 2, 2015	September 19, 2015
Saturday, November 7, 2015	September 17, 2015	September 24, 2015	December 12, 2015

1. The MPRE fee for applications received on or before the regular receipt deadline is \$80. The MPRE fee for applications received after the regular receipt deadline but before the late receipt deadline is \$160.
2. To provide proof of successful passage of the MPRE to the Office of Probation, you **MUST**: 1) during registration, select California as the jurisdiction to receive your score report; **AND** 2) send a copy of your score release to the Office of Probation on or before your due date. Failure to comply with these requirements will delay confirming your passage of the MPRE, and it may result in an automatic suspension in probation matters or a non-compliance referral in all other matters.
3. Requests for special accommodations during the examination must be made to the National Conference of Bar Examiners in advance of the examination.

**Passing scaled score 86**

*\*Information may change at any time, please check the NCBE's website for current information.*



**THE STATE BAR  
OF CALIFORNIA**

845 SOUTH FIGUEROA STREET, LOS ANGELES, CALIFORNIA 90017-2515

**OFFICE OF PROBATION**

Terrie Goldade, Supervising Attorney (213) 765-1494

TELEPHONE: (213) 765-1000

FAX: (213) 765-1439

PROBATION DEPUTY: (213) 765-XXXX

<http://www.calbar.ca.gov>

**AUTHORIZATION TO OBTAIN AND DISCLOSE  
MEDICAL INFORMATION**

I authorize any physician, medical professional, hospital, clinic, the State Bar's Lawyer Assistance Program, or other medical care or medically-related facility having medical record information available as to medical history diagnosis, treatment, prognosis or evaluation with respect to any physical or mental condition and/or treatment of me and other personal or privileged information, to give any or all such information to the State Bar of California, its employees, agents, consultants and/or legal representatives.

I hereby authorize the State Bar's acquisition, use, and/or disclosure of this information only in connection with any of the following, and not for any other purpose: (1) the State Bar's Lawyer Assistance Program or State Bar Court's Program for Respondents with Substance Abuse and/or Mental Health Issues; (2) proceedings in connection with the admission, discipline, resignation or reinstatement of an attorney, the involuntary enrollment of an attorney as an inactive member, probation revocation proceedings, the incapacity of an attorney to attend to his or her practice, and/or the waiver of the attorney's membership fees, (3) a request for waiver of confidentiality of records pursuant to rules 2301 and 2302, Rules of Procedure of the State Bar of California.

Any information obtained will not be released by the State Bar of California to any person or organization except pursuant to paragraph two above, or as may be required by law.

I agree that this authorization shall be valid from the date of its execution until the conclusion of the probationary term or at the conclusion of any proceeding relating to the probation.

I understand that upon request, I have the right to receive a copy of this authorization.

A photographic copy of this authorization shall be valid as the original.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PLEASE TYPE OR PRINT NAME

\_\_\_\_\_  
DATE

00013

*Revised 01/09/14*



<p><b>IN THE MATTER OF</b>  <b>Gerard Brennan Harvey</b></p> <p><b>CASE NO(s): S220720</b></p> <p><b>Probation</b></p>	<p><i>(For Office of Probation Use Only)</i></p>
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**QUARTERLY REPORT**

**First Report Due: January 10, 2015**  
 (for period November 21, 2014 through December 31, 2014)

**Final Report Due: November 21, 2016**  
 (for period October 1, 2016 through November 21, 2016)

**Due:**  **January 10, 20\_\_**  
 (for period 10/1 through 12/31)

**April 10, 20\_\_**  
 (for period 01/01 through 3/31)

**July 10, 20\_\_**  
 (for period 4/1 through 6/30)

**October 10, 20\_\_**  
 (for period 7/1 through 9/30)

*Make sufficient copies of this form for future use and mail reports to State Bar of California, Attn: Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515.*

*Place an "X" before each of the statements below that applies to you:*

**Compliance with State Bar Act and Rules; and Report on SBC Proceedings**

During the reporting period noted above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation; and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

**Or**

During the reporting period above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation **EXCEPT** (please list specific **violations or exceptions** - - do NOT list pending proceedings in this space):

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\_\_\_\_\_ (attach declaration under penalty of perjury if more space is needed); and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

**Current Address**

\_\_\_ Within 10 days of any change, I reported to the Membership Records Office and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information including current name, office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code

**Suspension**

\_\_\_ I did not practice law at any time during the reporting period noted above or applicable portion thereof during which I was suspended pursuant to the Supreme Court order in this case.

**State Bar Ethics School**

\_\_\_ I have registered for the State Bar Ethics School course given on \_\_\_\_\_.

\_\_\_ I have completed the State Bar Ethics School course given on \_\_\_\_\_.  
A copy of my certificate of completion is attached if not previously submitted.

**Conditions of Probation/Parole in Underlying Criminal Matter**

\_\_\_ I have complied with the conditions of probation/parole imposed upon me in the underlying criminal matter during the reporting period noted above or portion thereof.

\_\_\_ During the reporting period noted above or portion thereof, my criminal probation was modified, terminated or expired and attached hereto is a statement of the facts or copy of the document(s) effectuating said change.

**Multi-State Professional Responsibility Examination**

\_\_\_ I have registered for the MPRE given on \_\_\_\_\_.

\_\_\_ I have taken the MPRE given on \_\_\_\_\_ and am awaiting the results.

\_\_\_ I passed the MPRE given on \_\_\_\_\_. A copy of my results is attached if not previously submitted.

\_\_\_ I did not pass the MPRE given on \_\_\_\_\_ and have re-scheduled to take the examination given on \_\_\_\_\_.

### **Mental Health Report**

- I have attached to this report a statement from my treating psychiatrist, psychologist, or clinical social worker confirming that I have received help/treatment at least 1 time(s) per month during the reporting period noted above or portion thereof.

### **Alcohol/Drug Abstinence**

- During the reporting period noted above or portion thereof, I have abstained from use of any alcoholic beverages and have not used or possessed any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.

### **Meetings Attendance**

- During the reporting period noted above or portion thereof, I have attended at least 4 meetings per month of Alcoholics Anonymous, Narcotics Anonymous, The Other Bar, or other required program. I have provided to the Office of Probation the required proof of attendance during each month on or before the tenth (10th) day of the following month under separate cover.

I declare under penalty of perjury under the laws of the State of California that all of the information provided in this report is true and accurate.

Date: \_\_\_\_\_  
(Date of actual signature)

Signature: \_\_\_\_\_  
Gerard Brennan Harvey  
(Please sign in blue ink)

## QUARTERLY REPORT INSTRUCTIONS

1. The enclosed Quarterly Report form has been tailored to reflect the conditions of your discipline that are to be reported to the Office of Probation. Please review it carefully. If you believe that it does not accurately reflect your conditions, immediately contact the Office of Probation. Note that even if the Office of Probation makes an error, **you are required to timely complete all of your ordered conditions**. The report form is provided as a courtesy only, and you are not required to use it.
2. The Office of Probation will **NOT** provide you with multiple copies of the courtesy Quarterly Report form. **YOU MUST MAKE ENOUGH COPIES TO USE FOR ALL FUTURE QUARTERLY AND FINAL REPORTS**. In the future, one additional copy **may** be provided if you make a written request with an explanation under penalty of perjury why you need such copy made.
3. For each quarter's report, mark the box for the correct reporting period and write in the correct year. Place an "X" in front of each condition that applies to your activities during each respective reporting period. Provide all required information.
4. Your report may be signed and mailed at the end of your business day on the last day of the month of each calendar quarter (i.e., March 31st, June 30th, September 30th and December 31st). **YOUR REPORT WILL BE REJECTED IF YOU DATE, SIGN, AND/OR SEND IT BEFORE THE LAST DAY OF THE LAST MONTH OF EACH CALENDAR QUARTER.**

REPORTING PERIOD	REPORT TO BE RECEIVED IN THE OFFICE OF PROBATION BY
January 1 - March 31	April 10
April 1 - June 30	July 10
July 1 - September 30	October 10
October 1 - December 31	January 10

5. Your original signed and dated report must be physically **received in the Office of Probation** on or before the tenth of January, April, July, and October. **If the tenth falls on a weekend or holiday, you must send your report so that it is received no later than the last State Bar business day before the 10th; The State Bar is not open on weekends or holidays and does not receive mail on those days.** State Bar observed holidays include among others, New Year's day, Cesar Chavez Day, Independence Day, and Columbus day. For all conditions, being **even one day late** means that you are **not** in compliance.
6. The report must contain an **original signature** in order to be filed with the Office of Probation. It is recommended that you sign each report using blue ink. Because your report must be made under penalty of perjury, you must date it the date you sign it and not pre-date it or post-date it. See, Code of Civil Procedure section 2015.5.
7. Because it is your responsibility to have an original, compliant report in to the Office of Probation by the tenth, and because some Respondents have claimed that their reports were lost in the mail, you may choose to send your reports in a manner that provides you with proof of delivery.
8. The Office of Probation files your report as of the date it is received, and **NOT** the date you mail it.
9. The Office of Probation will **NOT** contact you before and/or after each quarterly report is due. You must calendar all of your deadlines to ensure timely receipt by the Office of Probation.
10. Each report is to be a perpetual document and is to reflect past and/or current status or compliance.
11. Each of your reports must be a clear and unequivocal statement of your compliance. See *In the Matter of Carr* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 244. If it is not, it can be rejected for filing.

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If you have any questions regarding this information, please contact Michael Angelo Kanterakis in the Office of Probation at (213)765-1410.

# NOTICE OF COUNSEL REPRESENTATION

Respondent: Gerard Brennan Harvey

State Bar Case #: S220720

Member Number: 152669

Counsel Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Bar Number: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Respondent Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Counsel Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Please complete and return this form to the Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515.



# State Bar of California

## 2015 Ethics/Client Trust Accounting ("CTA") School Schedules

<b>LOS ANGELES</b> 845 S. Figueroa Street			
Class	Day	Date	Time
Ethics	Thurs	02/19	9a - 4p
CTA	Fri	02/20	9a - 12p
Ethics	Thurs	05/07	9a - 4p
CTA	Fri	05/08	9a - 12p
Ethics	Thurs	06/04	9a - 4p
CTA	Fri	06/05	9a - 12p
Ethics	Thurs	08/20	9a - 4p
CTA	Fri	08/21	9a - 12p
Ethics	Thurs	09/17	9a - 4p
CTA	Fri	09/18	9a - 12p
Ethics	Thurs	10/22	9a - 4p
CTA	Fri	10/23	9a - 12p
Ethics	Thurs	12/10	9a - 4p
CTA	Fri	12/11	9a - 12p

<b>SAN FRANCISCO</b> 180 Howard Street			
Class	Day	Date	Time
Ethics	Thurs	03/12	9a - 4p
CTA	Fri	03/13	9a - 12p
Ethics	Thurs	06/18	9a - 4p
CTA	Fri	06/19	9a - 12p
Ethics	Thurs	09/17	9a - 4p
CTA	Fri	09/18	9a - 12p
Ethics	Thurs	12/03	9a - 4p
CTA	Fri	12/04	9a - 12p

You can register for Ethics School and/or Client Trust Accounting School by: 1) mailing application form with payment to the address on the form; or 2) going online at [www.calbar.ca.gov](http://www.calbar.ca.gov): Home > Attorneys > Lawyer Regulation > Ethics Schools, go to end of section and click on Register Now, or click on Class Schedule and Registration. You are **NOT** registered until your payment is received. If you have any questions, please contact Letty Ramos at (213) 765-1309.

Information may change at any time, please check the State Bar website for current information.



THE STATE BAR  
OF CALIFORNIA

845 S. FIGUEROA STREET, LOS ANGELES, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL  
ENFORCEMENT

TELEPHONE: (213) 765-1309

FAX: (213) 765-1029

TDD: (213) 765-1566

<http://www.calbar.ca.gov>

## State Bar of California Ethics/CTA School Information

Ethics and Client Trust Accounting classes are given throughout the year at the State Bar offices:

**LOS ANGELES**  
845 S. Figueroa Street  
Los Angeles, CA 90017-2515

**SAN FRANCISCO**  
180 Howard Street  
San Francisco, CA 94105

Ethics School is all day (9:00 a.m. to 4:00 p.m.), with a lunch break. The fee for the course is **\$150.00**. Client Trust Account School is held for three (3) hours, (9:00 a.m. to 12:00 Noon). The fee for the course is **\$100.00**.

Please note that pursuant to Rules of Procedure of the State Bar of California, rule 3201, you will **NOT** receive Minimum Continuing Legal Education credit if your attendance at Ethics School or Client Trust Accounting School is required by a Decision or Order of the State Bar Court or Supreme Court.

If your attendance at Ethics School is **NOT** required by a Decision or Order of the State Bar Court or Supreme Court, you may receive six (6) hours of Minimum Continuing Legal Education credit upon successful completion of the class. If your attendance at CTA School is **NOT** required by a Decision or Order of the State Bar Court or Supreme Court, you may receive three (3) hours of Minimum Continuing Legal Education credit upon successful completion of the class.

An application form and a schedule of classes are enclosed for your convenience. Fees **MUST** be submitted with the application in order to secure a seat in the class. Classes for some dates may fill up quickly. Payment for classes must be in the form of a personal check, money order or cashier's check. **CASH PAYMENTS WILL NOT BE ACCEPTED.**

Please indicate on the application form, by checking the appropriate space, whether you are attending the class as a result of a Decision of the Court after a hearing; as a result of a stipulated disposition; pursuant to an Agreement in Lieu of Discipline; voluntarily by letter agreement with the Office of Chief Trial Counsel or the Committee of Bar Examiners for Bar applicants, or voluntarily for some other reason.

If you have a question about probation, please direct your inquiries in writing to the State Bar of California, Attention: Office of Probation, 845 S. Figueroa Street, Los Angeles, CA 90017-2515.

OFFICE OF THE CHIEF TRIAL COUNSEL

Letty Ramos  
Administrative Secretary

Enc.

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*Revised 10/28/14*



The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.

ATTEST November 20, 2015

State Bar Court, State Bar of California,  
Los Angeles

By   
Clerk

This document to which this certificate is attached,  
is a full, true and correct copy of the original on  
file and of record in the Office of Probation.



Attest November 3, 2015

By M.A. Kanterakis

Michael Angelo Kanterakis  
State Bar of California, Office of Probation  
Los Angeles, California

**Kanterakis, Michael**

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**From:** Julie Weier <jweier@inyocounty.us>  
**Sent:** Thursday, December 11, 2014 4:31 PM  
**To:** Kanterakis, Michael  
**Subject:** FW: Scanned Image  
**Attachments:** 0172\_001.pdf

Progress report for Gerard Harvey. He is doing very well, checking in to the Inyo County Probation Department weekly as instructed. Attending counseling twice a week

**From:** [noreply@inyocounty.us](mailto:noreply@inyocounty.us) [<mailto:noreply@inyocounty.us>]  
**Sent:** Thursday, December 11, 2014 4:27 PM  
**To:** Julie Weier  
**Subject:** Scanned Image

FILED

DEC 03 2014



# DEPARTMENT OF HEALTH AND HUMAN SERVICES

Jean Turner, M.A., Director

INYO COUNTY SUPERIOR COURT  
BY: JMM, CLERK  
JMM, DEPUTY

RECEIVED D MBCRM-13-55077-3

Reply to:

DEC - 3 2014

## Compliance Verification

Administration/Fiscal  
P.O. Drawer H  
Independence, CA 93526  
Tel: (760) 878-0242  
Fax: (760) 878-0266

PROBATION DEPARTMENT  
INYO COUNTY

Participant Name: Gerard Harvey Month/Year 12/14

Administration  
163 May Street  
Bishop, CA 93514  
Tel: (760) 872-4245  
Fax: (760) 873-6505

- Referral/Release with Probation /P.O. Julie Weiser
- Request /Release with Child Protective Services/SW
- Other Agency

Behavioral Health  
162-J Grove Street  
Bishop, CA 93514  
Tel: (760) 873-6533  
Tel: (760) 873-5888  
Fax: (760) 873-3277

Attended Assessment Date: 11-13-14 Start Date: 11-18-14

Treatment Plan: Frequency: Dates attended this month:

Progress Hope  
P.O. Box 448  
Bishop, CA 93515  
Tel: (760) 873-8572

- Tier I
- Tier II
- Aftercare
- Diversion
- Relapse Inter/Prev. Weekly 11/8, 11/25, 12/2
- Adolescent
- Peri-Natal
- Dual Diagnosis
- MRT Weekly 12/2

Public Health  
207-A South Street  
Bishop, CA 93514  
Tel: (760) 873-7868  
Fax: (760) 873-7800

Did not attend Program on date(s) as required:

Additional services in current treatment plan:

Next court 12-17-14

Prevention  
163 May Street  
Bishop, CA 93514  
Tel: (760) 872-4245  
Fax: (760) 873-6505

### Progress Report:

WIC  
568 W. Line Street  
Bishop, CA 93514  
Tel: (760) 872-1883  
Fax: (760) 872-1623

- Abstinence
- Family attending
- Active in AA/12 step
- Vocational Assessment
- Sponsor
- Literacy Assessment

Children and Adult Social Services  
162-C Grove Street  
Bishop, CA 93514  
Tel: (760) 872-1727  
Fax: (760) 872-1749

Group Participation  Active  Passive  Positive  Negative

Urine Testing Date:  Positive  Negative

Employment and Temporary Assistance  
920 N. Main Street  
Bishop, CA 93514  
Tel: (760) 872-1394  
Fax: (760) 872-4950

Relapse Plan:  
Participant considered to be:  Compliant  Non-Compliant

### Discharge Summary:

Completed Program with last date of attendance on \_\_\_\_\_

Did not complete Program last date of attendance on \_\_\_\_\_

FEES Current:  Yes  No

Reason for Discharge: \_\_\_\_\_

Achievements: Active in discussion

Alcohol or other drug usage on discharge: \_\_\_\_\_

Legal status: \_\_\_\_\_

Treatment Exit Plan: \_\_\_\_\_

### Satellite Service Locations:

P.O. Box 514  
Lone Pine, CA 93545  
Tel: (760) 876-5345  
Fax: (760) 876-5127

Completed Program Evaluation

Participant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Staff Signature: Julie Weiser Date 12-3-14

P.O. Box 156  
Tooeys, CA 92389  
Tel: (760) 852-4141  
Fax: (760) 852-4140

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This document to which this certificate is attached,  
is a full, true and correct copy of the original on  
file and of record in the Office of Probation.



Attest November 3, 2015

By 

Michael Angelo Kanterakis  
State Bar of California, Office of Probation  
Los Angeles, California

00026



**THE STATE BAR  
OF CALIFORNIA**

**OFFICE OF PROBATION**

Terrie Goldade, Supervising Attorney (213) 765-1494

845 SOUTH FIGUEROA STREET, LOS ANGELES, CALIFORNIA 90017-2515

TELEPHONE: (213) 765-1000

FAX: (213) 765-1439

<http://www.calbar.ca.gov>

**Michael Angelo Kanterakis: (213) 765-1410**

January 5, 2015

**OFFICE OF PROBATION  
ADDRESS VERIFIED**

**January 5, 2015**

Gerard Brennan Harvey  
PO Box 1701  
Bishop, CA 93515

BY: 

In re: **S220720**

In the Matter of **Gerard Brennan Harvey**

Dear Gerard Brennan Harvey:

As you are aware, you are or were required to comply with specific terms and conditions of your probation imposed by the Supreme Court which became effective November 21, 2014.

The following chart summarizes your compliance and non-compliance with the conditions of your probation to date:

Condition	Due Date	Completion Date	Comments
Contact PD and Schedule Req'd. Mtg.	December 20, 2014 To Be Scheduled		No Record of Contact by Respondent No Meeting Scheduled
Medical Waiver	December 30, 2014		No Waiver Received by Office of Probation
Rule 9.20	December 30, 2014		No Record of Filing
Quarterly Reports	Quarterly, starting January 10, 2015		
UCPM Reports	Quarterly, starting January 10, 2015		
Psych Reports	Quarterly, starting January 10, 2015		
Substance Abuse	Quarterly, starting January 10, 2015		
AA Meetings	Quarterly, starting January 10, 2015		
Ethics School	November 21, 2015		
MPRE	November 21, 2015		

The Office of Probation will not send any further reminder letters regarding the aforementioned non-compliance or any future compliance due dates or lack of receipt of compliance documentation. Your

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Gerard Brennan Harvey

January 5, 2015

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non-compliance will be automatically referred for review and determination of further action which may lead to the imposition of additional discipline including attendant costs, copy of current costs enclosed.

Likewise, *if for any* reason, you cannot *timely* comply with the terms and conditions of the discipline imposed, and to avoid a non-compliance referral, *you must* file a motion with the State Bar Court. See rules 5.162 and 5.300, et seq., Rules of Procedure of the State Bar of California. A copy of the motion must be served upon the Office of Probation. *The Office of Probation does not have the authority to extend compliance due dates or modify the terms and conditions of your probation.*

Please note that even if you are referred, you are **STILL REQUIRED TO TIMELY COMPLY** with all probation conditions in this matter. Additional violations may be subject to a separate non-compliance referral. If you have any questions regarding this matter, please contact me at (213) 765-1410.

Sincerely,



Michael Angelo Kanterakis  
Probation Deputy

/mak

Enclosure(s)

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THE STATE BAR  
OF CALIFORNIA

845 SOUTH FIGUEROA STREET, LOS ANGELES, CALIFORNIA 90017-2515

OFFICE OF PROBATION

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TELEPHONE: (213) 765-1000

FAX: (213) 765-1439

<http://www.calbar.ca.gov>

Michael Angelo Kanterakis: (213) 765-1410

November 12, 2014

OFFICE OF PROBATION  
ADDRESS VERIFIED  
November 12, 2014

Gerard Brennan Harvey  
PO Box 1701  
Bishop, CA 93515

BY: 

In re: S220720

In the Matter of Gerard Brennan Harvey

Dear Gerard Brennan Harvey:

This reminder letter is sent to you as a courtesy and based upon information that you are not currently represented by counsel in this matter—the enforcement of your probation terms and conditions. If this is incorrect, please complete the Notice of Counsel Representation form and submit the original to the Office of Probation within five days so that future communications may be directed to your counsel.

As you know, on October 22, 2014, the Supreme Court of California filed an Order, effective November 21, 2014, suspending you from the practice of law for a period of two years, staying execution and placing you on probation upon certain conditions for a period of two years. Further, pursuant to the Order of the Court, you have been placed on actual suspension for the first the first 90 days of probation of your probation.<sup>1</sup>

Please take notice that attorneys are not relieved of MCLE requirements during the pendency of their disciplinary period.

Rule of Professional Conduct 1-311 requires that a firm or attorney who employs an attorney who is disbarred, resigned, suspended or involuntarily enrolled inactive, provide certain notices to the State Bar and to clients. While there is no prescribed form, in order to assist attorneys to comply with the rule, the State Bar has created notices for the employer's use. If you are or become employed by an attorney or a law firm, please remind your employer of this requirement. Forms are available at the State Bar website under Attorney Forms/Reportable Actions or you may contact the Intake Unit, Office of the Chief Trial Counsel, at (213) 765-1000.

**You must schedule a meeting with me to discuss the terms and conditions of your discipline within 30 days from the effective date of discipline. Make sure you read this letter including all attachments before the required meeting.**

<sup>1</sup> Please review your stipulation or decision carefully. You may have been ordered to remain on actual suspension until you have fully paid the costs imposed as a result of your discipline. The Office of Probation does NOT monitor costs. If you have questions, contact Membership Billing at (415) 538-2360.

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Gerard Brennan Harvey

November 12, 2014

Page 2

The Court has also ordered you to comply with the provisions of Rule 9.20, California Rules of Court. Your affidavit must be timely filed with the State Bar Court by no later than **December 30, 2014**. If you decide to file a 9.20 affidavit now, do **NOT** submit the original affidavit to the Office of Probation; the affidavit must be filed with the State Bar Court.

Please take appropriate precautions to ensure that your affidavit is filed with the State Bar Court. You may wish to verify your filing via personal delivery or tracked delivery to the State Bar Court, review of the Court docket on the State Bar of California's website, or by obtaining a conformed copy from the State Bar Court.

**If your original affidavit is sent to the Office of Probation, it was NOT filed with the State Bar Court and it will NOT be filed on your behalf.** Even after you file your 9.20 affidavit with the State Bar Court, your "filed" affidavit will not be considered compliant until it is approved by the Office of Probation.

Additionally, by court order, you must take and provide proof of successful passage of the Multi-State Professional Responsibility Examination (MPRE) to the Office of Probation on or before **November 21, 2015**. You must select "California" as the jurisdiction to receive your score report during registration. It is important that you plan to take this examination well in advance of the due date so that you can re-take the examination if you do not receive a passing score. The passing scaled score is 86. The MPRE is only offered three (3) times a year, but you may not have three chances to take the MPRE by your particular deadline. Failure to provide proof of passage of this examination by the due date may result in your indefinite suspension until you provide proof that you have passed the examination. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn 8.)

In order to comply with the terms and conditions of your probation, you must report the status of your compliance, in each and every respect, by letter with any attachments, executed under penalty of perjury, and addressed to the Office of Probation. As a courtesy, the Office of Probation has prepared a Quarterly Report form for your use. Should you happen to lose your Quarterly Report form, you must submit your request for a copy in writing explaining why you could not maintain a copy for yourself.

Each of your reports must be a clear and unequivocal statement of compliance. See *In the Matter of Carr* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 244. If it is not, it can be rejected for filing.

Please read the Instructions and review the Quarterly Report carefully to determine whether you believe that it accurately reflects the required terms and conditions. If you believe there is an error, or if there are any questions, please notify me immediately. You are responsible for timely complying with each and every term and condition whether or not it is reflected in this letter and/or the Quarterly Report form. You are reminded that for all conditions, proof of compliance must be physically received in the Office of Probation by your due date. Being even one day late means that you are **NOT** in compliance.

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The conditions of your probation with compliance due dates are outlined below. Please note this summary only reflects those conditions and compliance due dates that require submission of proof of compliance to the Office of Probation. For a thorough review of all conditions, please refer to the enclosed copy of that portion of the disciplinary order setting forth the conditions of probation.

<u>Condition</u>	<u>Deadline(s)</u>
1. Medical Waiver	December 20, 2014
2. Contact Probation Deputy & Schedule Required Meeting	December 20, 2014
3. Rule 9.20	December 30, 2014
4. Quarterly Reports	Quarterly, beginning January 10, 2015
5. Conditions of Probation in Underlying Criminal Matter	Quarterly, beginning January 10, 2015
6. Psych Reports (must begin treatment by 12.20.14)	Attend monthly, proof due quarterly
7. Alcohol/Drug Abstinence Reports	Quarterly, beginning January 10, 2015
8. AA Meetings Attendance	Attend at least 4 times per month, proof due quarterly
9. State Bar Ethics School	November 21, 2015
10. MPRE	November 21, 2015
11. Final Report	November 21, 2016

You are reminded that all Quarterly Reports are due on or before the 10<sup>th</sup> day after the end of each quarter. If the 10<sup>th</sup> falls on a holiday or a weekend, the report must be received by the Office of Probation prior to that holiday or weekend. Your Final Report is due on or before November 21, 2016.

If your underlying criminal probation matter terminates or expires, you do not have a criminal probation matter with which to comply. Accordingly, you must submit to the Office of Probation proof of successful completion, e.g., a recent Court docket sheet showing termination date.

Pursuant to your Order, you must obtain psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist, or clinical social worker. Help/treatment should commence immediately, and in any event, no later than thirty (30) days after the effective date of your discipline. Please provide the Office of Probation with the name and phone number of your treating mental health professional (practitioner) for preapproval before you begin treatment. You are also required to furnish the Office of Probation with a written waiver authorizing your practitioner to disclose information regarding your compliance with this condition. A copy of an Authorization to Obtain and Disclose Medical Information form is enclosed; please submit your completed form immediately. You must request the qualified practitioner to submit an original signed written report to the Office of Probation noting the date(s) that you received treatment and confirming that you are in compliance with all

Gerard Brennan Harvey

November 12, 2014

Page 4

treatment conditions. You must request such report each quarter with enough notice so that the report is timely received by the Office of Probation on or before each January 10<sup>th</sup>, April 10<sup>th</sup>, July 10, and October 10<sup>th</sup>.

You are required to report, and in no event in more than ten (10) days, to the Membership Records Office of the State Bar and the Office of Probation, all changes of information including current name, office address and telephone number, or other address for State Bar purposes as prescribed by section 6002.1 of the Business and Professions Code. The Office of Probation will only send documents to your official membership records address.

Further, please be advised that the Office of Probation does not have the authority to extend compliance due dates or modify the terms and conditions of the discipline order. **Request for extension of time or modification of the terms and conditions of the discipline order must be filed with the State Bar Court Hearing Department or Review Department.** See, Rules of Procedure of the State Bar of California, rules 5.162 and 5.300, et seq. A copy of the motion must be served upon the Office of Probation. **Failure to timely submit reports or any other proof of compliance may result in a non-compliance referral which may lead to the imposition of additional discipline.**

Enclosed are copies of the Supreme Court Order and conditions of probation, which you have already received from the Courts or your counsel, Rule 9.20 - California Rules of Court, Rules 5.330 and 5.332 - Rules of Procedure, Affidavit form, Multi-State Professional Responsibility Examination schedule, Authorization to Obtain and Disclose Medical Information, AA Attendance and Verification form, Quarterly Report with instructions, and Notice of Counsel Representation form. Also enclosed is scheduling and enrollment information for the State Bar's Ethics School.

It is recommended that you maintain a file containing all orders as well as communication between the Office of Probation and yourself. Keep your file in a convenient location so that if you have contact with the Office of Probation, any question can be quickly addressed. It is further recommended that you sign all original documents in blue so that the Office of Probation will immediately be able to ascertain whether you have provided the required original(s).

Please note that the Court has determined that the repeated need of the State Bar to actively intervene to seek compliance with disciplinary terms and conditions is inconsistent with the self-governing nature of probation as a rehabilitative part of the attorney discipline system. *In the Matter of Gorman* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 567, 573.

Sincerely,



Michael Angelo Kanterakis  
Probation Deputy

/mak

Enclosures

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(State Bar Court No. 13-C-11781)

OCT 22 2014

S220720

Frank A. McGuire Clerk

**IN THE SUPREME COURT OF CALIFORNIA**

Deputy

**En Banc**

**In re GERARD BRENNAN HARVEY on Discipline**

The court orders that Gerard Brennan Harvey, State Bar Number 152669, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. Gerard Brennan Harvey is suspended from the practice of law for the first 90 days of probation;
2. Gerard Brennan Harvey must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on May 29, 2014; and
3. At the expiration of the period of probation, if Gerard Brennan Harvey has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Gerard Brennan Harvey must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Gerard Brennan Harvey must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

I, Frank A. McGuire, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.  
Witness my hand and the seal of the Court this

**CANTIL-SAKAUYE**

Chief Justice

day of NOV 5 2014 20  
Clerk

00033

Accordingly, having considered the facts and the law, the court believes that two years' stayed suspension with two years' probation on conditions, including 90 days' actual suspension and compliance with certain substance abuse-related conditions<sup>3</sup> will be sufficient to protect the public in this instance.

### **Recommendation**

It is recommended that respondent Gerard Brennan Harvey, State Bar Number 152669, be suspended from the practice of law in California for two years, that execution of that period of suspension be stayed, and that respondent be placed on probation<sup>4</sup> for a period of two years subject to the following conditions:

1. Respondent is suspended from the practice of law for the first 90 days of probation.
2. Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all of the conditions of respondent's probation.
3. Within 10 days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code section 6002.1, subdivision (a), including respondent's current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, respondent must report such change in writing to the Membership Records Office and the State Bar's Office of Probation.
4. During the probation period, respondent must report in writing quarterly to the Office of Probation. The reports must be postmarked no later than each January 10, April 10, July 10, and October 10 of the probation period. Under penalty of perjury, respondent must state in each report whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all of respondent's probation conditions during the preceding calendar quarter or applicable reporting period. If the first report would cover less than 30 days, no report is required at that time; however, the following report must cover the period of time from the commencement of probation to the end of that next quarter. In addition to all quarterly reports, a final report must be postmarked no earlier than 10 days before the last day of the probation period and no later than the last day of the probation period.

---

<sup>3</sup> Respondent's criminal probation conditions include making restitution to specified clients.

<sup>4</sup> The probation period will commence on the effective date of the Supreme Court order imposing discipline in this matter. (See Cal. Rules of Court, rule 9.18.)

5. Subject to the assertion of applicable privileges, respondent must answer fully, promptly, and truthfully, any inquiries of the Office of Probation or any probation monitor that are directed to respondent personally or in writing, relating to whether respondent is complying or has complied with respondent's probation conditions.
6. Respondent must comply with all conditions of any applicable criminal probation and must so declare under penalty of perjury in any quarterly report required to be filed with the Office of Probation. If respondent has completed probation in the underlying criminal matter, or completes it during the period of his disciplinary probation, respondent must provide to the Office of Probation satisfactory documentary evidence of the successful completion of the criminal probation in the quarterly report due after such completion. If such satisfactory evidence is provided, respondent will be deemed to have fully satisfied this probation condition.
7. Respondent must obtain psychiatric or psychological treatment from a duly licensed psychiatrist, psychologist or clinical social worker, at respondent's own expense, a minimum of one time per month and must furnish satisfactory evidence of compliance to the Office of Probation with each quarterly report. Treatment should commence immediately and, in any event, no later than 30 days after the effective date of the Supreme Court's final disciplinary order in this proceeding. Treatment must continue for the period of probation or until a motion to modify this condition is granted and that ruling becomes final. If the treating psychiatrist, psychologist or clinical social worker determines that there has been a substantial change in respondent's condition, respondent or the State Bar may file a motion for modification of this condition with the State Bar Court Hearing Department pursuant to rule 5.300 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the psychiatrist, psychologist or clinical social worker, by affidavit or under penalty of perjury, in support of the proposed modification.
8. At the Office of Probation's request, respondent must provide the Office of Probation with medical waivers and access to all of respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, the Office of the Chief Trial Counsel, and the State Bar Court who are directly involved with maintaining, enforcing or adjudicating this condition.
9. Respondent must abstain from using alcoholic beverages and must not use or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.
10. Respondent must attend at least four meetings per month of a 12-step, abstinence based program acceptable to the Office of Probation and must provide to the Office of Probation satisfactory proof of attendance with each quarterly report.
11. Within one year after the effective date of the discipline herein, respondent must submit to the Office of Probation satisfactory evidence of completion of the State

Bar's Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and respondent will not receive MCLE credit for attending Ethics School. (Rules Proc. of State Bar, rule 3201.)

At the expiration of the probation period, if respondent has complied with all conditions of probation, respondent will be relieved of the stayed suspension.

**Multistate Professional Responsibility Examination**

It is recommended that respondent be ordered to take and pass the Multistate Professional Responsibility Examination (MPRE) within one year after the effective date of the Supreme Court order imposing discipline in this matter and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

**California Rules of Court, Rule 9.20**

It is further recommended that respondent comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**Costs**

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Dated: May 28, 2014

  
\_\_\_\_\_  
RICHARD A. HONN  
Judge of the State Bar Court



# 2014 California Rules of Court

## Rule 9.20. Duties of disbarred, resigned, or suspended attorneys

### (a) Disbarment, suspension, and resignation orders

The Supreme Court may include in an order disbaring or suspending a member of the State Bar, or accepting his or her resignation, a direction that the member must, within such time limits as the Supreme Court may prescribe:

- (1) Notify all clients being represented in pending matters and any co-counsel of his or her disbarment, suspension, or resignation and his or her consequent disqualification to act as an attorney after the effective date of the disbarment, suspension, or resignation, and, in the absence of co-counsel, also notify the clients to seek legal advice elsewhere, calling attention to any urgency in seeking the substitution of another attorney or attorneys;
- (2) Deliver to all clients being represented in pending matters any papers or other property to which the clients are entitled, or notify the clients and any co-counsel of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property;
- (3) Refund any part of fees paid that have not been earned; and
- (4) Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties of the disbarment, suspension, or resignation and consequent disqualification to act as an attorney after the effective date of the disbarment, suspension, or resignation, and file a copy of the notice with the court, agency, or tribunal before which the litigation is pending for inclusion in the respective file or files.

*(Subd (a) amended effective January 1, 2007; previously amended effective December 1, 1990.)*

### (b) Notices to clients, co-counsel, opposing counsel, and adverse parties

All notices required by an order of the Supreme Court or the State Bar Court under this rule must be given by registered or certified mail, return receipt requested, and must contain an address where communications may be directed to the disbarred, suspended, or resigned member.

*(Subd (b) amended effective January 1, 2007; previously amended effective December 1, 1990.)*

### (c) Filing proof of compliance

Within such time as the order may prescribe after the effective date of the member's disbarment, suspension, or resignation, the member must file with the Clerk of the State Bar Court an affidavit showing that he or she has fully complied with those provisions of the order entered under this rule. The affidavit must also specify an address where communications may be directed to the disbarred, suspended, or resigned member.

*(Subd (c) amended effective January 1, 2007; previously amended effective December 1, 1990.)*

### (d) Sanctions for failure to comply

A disbarred or resigned member's willful failure to comply with the provisions of this rule is a ground for denying his or her application for reinstatement or readmission. A suspended member's willful failure to comply with the provisions of this rule is a cause for disbarment or suspension and for revocation of any pending probation. Additionally, such failure may be punished as a contempt or a crime.

*(Subd (d) amended effective January 1, 2007; previously relettered and amended effective December 1, 1990.)*

## **Division 6. Special Proceedings**

### **Chapter 1. Rule 9.20 Proceedings**

#### **Rule 5.330 Nature of Proceeding**

A rule 9.20 proceeding is one in which the member is charged with failing to comply with rule 9.20 of the California Rules of Court as ordered by the Supreme Court. These rules apply to rule 9.20 proceedings.

#### **Rule 5.331 Definitions**

- (A) Rule 9.20.** As used in these rules, "rule 9.20" refers to rule 9.20 of the California Rules of Court, and "rule 9.20 order" means an order requiring a member to comply with rule 9.20 of the California Rules of Court.
- (B) "Declaration of Compliance" Defined.** A declaration signed by a member to comply or attempt to comply with a rule 9.20 order.

#### **Rule 5.332 Filing and Service of Declarations of Compliance**

- (A) Proof of Service.** All declarations of compliance must be accompanied by proof of service on the Office of Probation.
- (B) Mandatory Filing.** The Clerk of the State Bar Court must file all declarations of compliance, regardless of their form or the date submitted.
- (C) No Proof of Service.** If the Clerk of the State Bar Court receives a declaration that is not accompanied by proof of service on the Office of Probation, the Clerk will file the declaration and serve it on the Office of Probation.

#### **Rule 5.333 Time for Filing Proceeding Based on Untimely or Formally Defective Declaration**

- (A) Untimely or Defective Filing.** Any notice of disciplinary charges alleging that a declaration of compliance was untimely filed or was defective in form must be filed within 90 days after the declaration is served on the Office of Probation, unless the Court permits a later filing for good cause shown.
- (B) Time Limit Inapplicable.** This time limit does not apply to a notice of disciplinary charges alleging a substantive defect in a declaration of compliance or alleging failure to file any declaration of compliance.
- (C) Defects in Substance.** For purposes of this rule, if a declaration of compliance fails to state that the member fully complied with the requirements of rule 9.20(a), the failure is a defect in substance and not a defect in form covered by this rule.

State Bar Court

Counsel for Respondent:	Case Number(s):	For Court's Use Only:
In the Matter of  A Member of the State Bar of California	RULE 9.20 COMPLIANCE DECLARATION	

I, \_\_\_\_\_, State Bar member number \_\_\_\_\_, have been ordered to comply with provisions of subdivisions (a) and (c) of rule 9.20, California Rules of Court, as part of a suspension ordered by the State Bar Court Supreme Court, or an order of disbarment or an order accepting my resignation by the Supreme Court.

[Answer each question by checking one box per question. If neither option is correct, attach a declaration under penalty of perjury explaining your situation.]

Within 30 days of the effective date of the order of suspension/disbarment/acceptance of resignation ("effective date"): (See rule 9.18(c) California Rules of Court):

1.  I notified all clients and co-counsel, in matters that were pending on the date upon which the order to comply with rule 9.20 was filed by certified or registered mail, return receipt requested, of my consequent disqualification to act as an attorney after the effective date of the order of suspension/disbarment, and in those cases where I had no co-counsel, I urged the clients to seek legal advice elsewhere, calling attention to any urgency in seeking another attorney.
- As of the date upon which the order to comply with rule 9.20 was filed, I had no clients.
2.  I delivered to all clients any papers or other property to which the clients were entitled, or notified clients and co-counsel, in any, of a suitable time and place where the papers or other property could be obtained, and called attention to any urgency for obtaining the papers or other property.
- As of the date upon which the order to comply with rule 9.20 was filed, I had no papers or other property to which clients were entitled.
3.  I refunded fees paid, any part of which had not been earned.
- As of the date upon which the order to comply with rule 9.20 was filed, I had earned all fees paid to me.
4.  I notified all opposing counsel or adverse parties not represented by counsel in matters that were pending on the date upon which the order to comply with rule 9.20 was filed by certified or registered mail, return receipt requested, of my disqualification to act as an attorney after the effective date of my suspension, disbarment, or the Supreme Court's acceptance of my resignation, and filed a copy of my notice to opposing counsel/adverse parties with the court, agency or tribunal before which litigation was pending for inclusion in its files.
- As of the date upon which the order to comply with rule 9.20 was filed, I did not represent any clients in pending matters.
5.  In the future, communications may be directed to me at the following address: \_\_\_\_\_

[If this is not your current State Bar membership address, this declaration will change your membership address.  
See Bus. & Prof. Code §6002.1(b)]

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at \_\_\_\_\_, California, on \_\_\_\_\_.

**Wilful failure to comply with the provisions of rule 9.20 may result in revocation of probation; suspension; disbarment; denial of reinstatement; or, contempt or conviction.**

\_\_\_\_\_  
[Signature]

\_\_\_\_\_  
(Print Name)

# MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION ("MPRE")

## 2015 Examination Schedule and Information

*This document was created as a courtesy by the State Bar of California, Office of Probation.*

The State Bar of California does **NOT** administer the MPRE.  
**TO REGISTER AND FOR THE MOST RECENT INFORMATION REGARDING MPRE TEST  
DATES, DEADLINES, RESOURCES, ETC., YOU MUST CONTACT:**

**National Conference of Bar Examiners ("NCBE")**

**Website: [www.ncbex.org](http://www.ncbex.org)**

**Registration opens on Monday, December 15, 2014**

Test Dates*	Regular Registration Deadline (\$80)*	Late Registration Deadline (\$160)*	Scores Tentatively Released by
Saturday, March 28, 2015	February 5, 2015	February 12, 2015	May 2, 2015
Saturday, August 15, 2015	June 25, 2015	July 2, 2015	September 19, 2015
Saturday, November 7, 2015	September 17, 2015	September 24, 2015	December 12, 2015

1. The MPRE fee for applications received on or before the regular receipt deadline is \$80. The MPRE fee for applications received after the regular receipt deadline but before the late receipt deadline is \$160.
2. To provide proof of successful passage of the MPRE to the Office of Probation, you **MUST**: 1) during registration, select California as the jurisdiction to receive your score report; **AND** 2) send a copy of your score release to the Office of Probation **on or before your due date**. Failure to comply with these requirements will delay confirming your passage of the MPRE, and it may result in an automatic suspension in probation matters or a non-compliance referral in all other matters.
3. Requests for special accommodations during the examination must be made to the National Conference of Bar Examiners in advance of the examination.

**Passing scaled score 86**

*\*Information may change at any time, please check the NCBE's website for current information.*



**THE STATE BAR  
OF CALIFORNIA**

845 SOUTH FIGUEROA STREET, LOS ANGELES, CALIFORNIA 90017-2515

**OFFICE OF PROBATION**

Terrie Goldade, Supervising Attorney (213) 765-1494

TELEPHONE: (213) 765-1000

FAX: (213) 765-1439

PROBATION DEPUTY: (213) 765-XXXX

<http://www.calbar.ca.gov>

**AUTHORIZATION TO OBTAIN AND DISCLOSE  
MEDICAL INFORMATION**

I authorize any physician, medical professional, hospital, clinic, the State Bar's Lawyer Assistance Program, or other medical care or medically-related facility having medical record information available as to medical history diagnosis, treatment, prognosis or evaluation with respect to any physical or mental condition and/or treatment of me and other personal or privileged information, to give any or all such information to the State Bar of California, its employees, agents, consultants and/or legal representatives.

I hereby authorize the State Bar's acquisition, use, and/or disclosure of this information only in connection with any of the following, and not for any other purpose: (1) the State Bar's Lawyer Assistance Program or State Bar Court's Program for Respondents with Substance Abuse and/or Mental Health Issues; (2) proceedings in connection with the admission, discipline, resignation or reinstatement of an attorney, the involuntary enrollment of an attorney as an inactive member, probation revocation proceedings, the incapacity of an attorney to attend to his or her practice, and/or the waiver of the attorney's membership fees, (3) a request for waiver of confidentiality of records pursuant to rules 2301 and 2302, Rules of Procedure of the State Bar of California.

Any information obtained will not be released by the State Bar of California to any person or organization except pursuant to paragraph two above, or as may be required by law.

I agree that this authorization shall be valid from the date of its execution until the conclusion of the probationary term or at the conclusion of any proceeding relating to the probation.

I understand that upon request, I have the right to receive a copy of this authorization.

A photographic copy of this authorization shall be valid as the original.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PLEASE TYPE OR PRINT NAME

\_\_\_\_\_  
DATE

00041

Revised 01/09/14

AA and/or N/A  
**ATTENDANCE VERIFICATION AND DECLARATION**  
*4 times per month; commencing December 2014 for one year*  
*Proof of Attendance to the Office of Probation with each Quarterly Report*

NAME: Gerard Brennan Harvey MONTH OF: \_\_\_\_\_

DATE	GROUP NAME	CITY	SIGNATURE OF SECRETARY OR CHAIRPERSON

I have complied with all terms of my probation.

I have not consumed any alcohol, nor used or possessed any narcotics, dangerous or restricted drugs, controlled substances, marijuana or associated paraphernalia, except with a valid prescription.

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND ACCURATE.**

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

<p><b>IN THE MATTER OF</b>  <b>Gerard Brennan Harvey</b></p> <p><b>CASE NO(s): S220720</b></p> <p><b>Probation</b></p>	<p><i>(For Office of Probation Use Only)</i></p>
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**QUARTERLY REPORT**

**First Report Due: January 10, 2015**  
*(for period November 21, 2014 through December 31, 2014)*

**Final Report Due: November 21, 2016**  
*(for period October 1, 2016 through November 21, 2016)*

**Due:**  **January 10, 20\_\_**  
*(for period 10/1 through 12/31)*

**April 10, 20\_\_**  
*(for period 01/01 through 3/31)*

**July 10, 20\_\_**  
*(for period 4/1 through 6/30)*

**October 10, 20\_\_**  
*(for period 7/1 through 9/30)*

*Make sufficient copies of this form for future use and mail reports to State Bar of California, Attn: Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515.*

*Place an "X" before each of the statements below that applies to you:*

**Compliance with State Bar Act and Rules; and Report on SBC Proceedings**

During the reporting period noted above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation; and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

**Or**

During the reporting period above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation **EXCEPT** (please list specific **violations or exceptions** -- do NOT list pending proceedings in this space):

---



---



---

*(attach declaration under penalty of perjury if more space is needed);*  
 and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

**Current Address**

— Within 10 days of any change, I reported to the Membership Records Office and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information including current name, office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code

**Suspension**

— I did not practice law at any time during the reporting period noted above or applicable portion thereof during which I was suspended pursuant to the Supreme Court order in this case.

**State Bar Ethics School**

— I have registered for the State Bar Ethics School course given on \_\_\_\_\_.

— I have completed the State Bar Ethics School course given on \_\_\_\_\_.  
A copy of my certificate of completion is attached if not previously submitted.

**Conditions of Probation/Parole in Underlying Criminal Matter**

— I have complied with the conditions of probation/parole imposed upon me in the underlying criminal matter during the reporting period noted above or portion thereof.

— During the reporting period noted above or portion thereof, my criminal probation was modified, terminated or expired and attached hereto is a statement of the facts or copy of the document(s) effectuating said change.

**Multi-State Professional Responsibility Examination**

— I have registered for the MPRE given on \_\_\_\_\_.

— I have taken the MPRE given on \_\_\_\_\_ and am awaiting the results.

— I passed the MPRE given on \_\_\_\_\_. A copy of my results is attached if not previously submitted.

— I did not pass the MPRE given on \_\_\_\_\_ and have re-scheduled to take the examination given on \_\_\_\_\_.

### **Mental Health Report**

- I have attached to this report a statement from my treating psychiatrist, psychologist, or clinical social worker confirming that I have received help/treatment at least 1 time(s) per month during the reporting period noted above or portion thereof.

### **Alcohol/Drug Abstinence**

- During the reporting period noted above or portion thereof, I have abstained from use of any alcoholic beverages and have not used or possessed any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.

### **Meetings Attendance**

- During the reporting period noted above or portion thereof, I have attended at least 4 meetings per month of Alcoholics Anonymous, Narcotics Anonymous, The Other Bar, or other required program. I have provided to the Office of Probation the required proof of attendance during each month on or before the tenth (10th) day of the following month under separate cover.

I declare under penalty of perjury under the laws of the State of California that all of the information provided in this report is true and accurate.

Date: \_\_\_\_\_  
(Date of actual signature)

Signature: \_\_\_\_\_  
Gerard Brennan Harvey  
(Please sign in blue ink)

Office of Probation  
**QUARTERLY REPORT INSTRUCTIONS**

1. The enclosed Quarterly Report form has been tailored to reflect the conditions of your discipline that are to reported to the Office of Probation. Please review it carefully. If you believe that it does not accurately reflect your conditions, immediately contact the Office of Probation. Note that even if the Office of Probation makes an error, **you are required to timely complete all of your ordered conditions.** The report form is provided as a courtesy only, and you are not required to use it.

2. The Office of Probation will **NOT** provide you with multiple copies of the courtesy Quarterly Report form. **YOU MUST MAKE ENOUGH COPIES TO USE FOR ALL FUTURE QUARTERLY AND FINAL REPORTS.** In the future, one additional copy may be provided if you make a written request with an explanation under penalty of perjury why you need such copy made.

3. For each quarter's report, mark the box for the correct reporting period and write in the correct year. Place an "X" in front of each condition that applies to your activities during each respective reporting period. Provide all required information.

4. Your report may be signed and mailed at the end of your business day on the last day of the month of each calendar quarter (i.e., March 31st, June 30th, September 30th and December 31st). **YOUR REPORT WILL BE REJECTED IF YOU DATE, SIGN, AND/OR SEND IT BEFORE THE LAST DAY OF THE LAST MONTH OF EACH CALENDAR QUARTER.**

REPORTING PERIOD	REPORT TO BE RECEIVED IN THE OFFICE OF PROBATION BY
January 1 - March 31	April 10
April 1 - June 30	July 10
July 1 - September 30	October 10
October 1 - December 31	January 10

5. Your original signed and dated report must be physically received in the Office of Probation on or before the tenth of January, April, July, and October. If the tenth falls on a weekend or holiday, you must send your report so that it is received no later than the last State Bar business day before the 10th; The State Bar is not open on weekends or holidays and does not receive mail on those days. State Bar observed holidays include among others, New Year's day, Cesar Chavez Day, Independence Day, and Columbus day. For all conditions, being even one day late means that you are not in compliance.

6. The report must contain an original signature in order to be filed with the Office of Probation. It is recommended that you sign each report using blue ink. Because your report must be made under penalty of perjury, you must date it the date you sign it and not pre-date it or post-date it. See, Code of Civil Procedure section 2015.5.

7. Because it is your responsibility to have an original, compliant report in to the Office of Probation by the tenth, and because some Respondents have claimed that their reports were lost in the mail, you may choose to send your reports in a manner that provides you with proof of delivery.

8. The Office of Probation files your report as of the date it is received, and **NOT** the date you mail it.

9. The Office of Probation will **NOT** contact you before and/or after each quarterly report is due. You must calendar all of your deadlines to ensure timely receipt by the Office of Probation.

10. Each report is to be a perpetual document and is to reflect past and/or current status or compliance.

11. Each of your reports must be a clear and unequivocal statement of your compliance. See *In the Matter of Carr* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 244. If it is not, it can be rejected for filing.

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If you have any questions regarding this information, please contact Michael Angelo Kanterakis in the Office of Probation at (213)765-1410.

**NOTICE OF COUNSEL REPRESENTATION**

**Respondent:** Gerard Brennan Harvey

**State Bar Case #:** S220720

**Member Number:** 152669

**Counsel Name:** \_\_\_\_\_

**Firm Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Bar Number:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

**Respondent Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Counsel Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

Please complete and return this form to the Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515.



THE STATE BAR  
OF CALIFORNIA

845 S. FIGUEROA STREET, LOS ANGELES, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL  
ENFORCEMENT

TELEPHONE: (213) 765-1309  
FAX: (213) 765-1029  
TDD: (213) 765-1566  
<http://www.calbar.ca.gov>

## State Bar of California

# 2015 Ethics/Client Trust Accounting ("CTA") School Schedules

<b>LOS ANGELES</b> 845 S. Figueroa Street			
Class	Day	Date	Time
Ethics	Thurs	02/19	9a - 4p
CTA	Fri	02/20	9a - 12p
Ethics	Thurs	05/07	9a - 4p
CTA	Fri	05/08	9a - 12p
Ethics	Thurs	06/04	9a - 4p
CTA	Fri	06/05	9a - 12p
Ethics	Thurs	08/20	9a - 4p
CTA	Fri	08/21	9a - 12p
Ethics	Thurs	09/17	9a - 4p
CTA	Fri	09/18	9a - 12p
Ethics	Thurs	10/22	9a - 4p
CTA	Fri	10/23	9a - 12p
Ethics	Thurs	12/10	9a - 4p
CTA	Fri	12/11	9a - 12p

<b>SAN FRANCISCO</b> 180 Howard Street			
Class	Day	Date	Time
Ethics	Thurs	03/12	9a - 4p
CTA	Fri	03/13	9a - 12p
Ethics	Thurs	06/18	9a - 4p
CTA	Fri	06/19	9a - 12p
Ethics	Thurs	09/17	9a - 4p
CTA	Fri	09/18	9a - 12p
Ethics	Thurs	12/03	9a - 4p
CTA	Fri	12/04	9a - 12p

You can register for Ethics School and/or Client Trust Accounting School by: 1) mailing application form with payment to the address on the form; or 2) going online at [www.calbar.ca.gov](http://www.calbar.ca.gov): Home > Attorney > Lawyer Regulation > Ethics Schools, go to end of section and click on Register Now, or click on Class Schedule and Registration. You are **NOT** registered until your payment is received. If you have any questions, please contact Letty Ramos at (213) 765-1309.

00048

Information may change at any time, please check the State Bar website for current information.

Revised 10/28/14



THE STATE BAR  
OF CALIFORNIA

845 S. FIGUEROA STREET, LOS ANGELES, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL  
ENFORCEMENT

TELEPHONE: (213) 765-130  
FAX: (213) 765-102  
TDD: (213) 765-156  
<http://www.sabbar.ca.gov>

## State Bar of California Ethics/CTA School Information

Ethics and Client Trust Accounting classes are given throughout the year at the State Bar offices:

**LOS ANGELES**  
845 S. Figueroa Street  
Los Angeles, CA 90017-2515

**SAN FRANCISCO**  
180 Howard Street  
San Francisco, CA 94105

Ethics School is all day (9:00 a.m. to 4:00 p.m.), with a lunch break. The fee for the course is \$150.00. Client Trust Account School is held for three (3) hours, (9:00 a.m. to 12:00 Noon). The fee for the course is \$100.00.

Please note that pursuant to Rules of Procedure of the State Bar of California, rule 3201, you will **NOT** receive Minimum Continuing Legal Education credit if your attendance at Ethics School or Client Trust Accounting School is required by a Decision or Order of the State Bar Court or Supreme Court.

If your attendance at Ethics School is **NOT** required by a Decision or Order of the State Bar Court or Supreme Court, you may receive six (6) hours of Minimum Continuing Legal Education credit upon successful completion of the class. If your attendance at CTA School is **NOT** required by a Decision or Order of the State Bar Court or Supreme Court, you may receive three (3) hours of Minimum Continuing Legal Education credit upon successful completion of the class.

An application form and a schedule of classes are enclosed for your convenience. Fees **MUST** be submitted with the application in order to secure a seat in the class. Classes for some dates may fill up quickly. Payment for classes must be in the form of a personal check, money order or cashier's check. **CASH PAYMENTS WILL NOT BE ACCEPTED.**

Please indicate on the application form, by checking the appropriate space, whether you are attending the class as a result of a Decision of the Court after a hearing; as a result of a stipulated disposition; pursuant to an Agreement in Lieu of Discipline; voluntarily by letter agreement with the Office of Chief Trial Counsel or the Committee of Bar Examiners for Bar applicants, or voluntarily for some other reason.

If you have a question about probation, please direct your inquiries in writing to the State Bar of California, Attention: Office of Probation, 845 S. Figueroa Street, Los Angeles, CA 90017-2515.

OFFICE OF THE CHIEF TRIAL COUNSEL

Letty Ramos  
Administrative Secretary

Enc.

00049

*Revised 10/28/14*



**THE STATE BAR  
OF CALIFORNIA**

845 S. FIGUEROA STREET, LOS ANGELES, CA 90017-2515

**OFFICE OF THE CHIEF TRIAL COUNSEL  
ENFORCEMENT**

TELEPHONE: (213) 765-1309  
FAX: (213) 765-1029  
TDD: (213) 765-1566  
<http://www.calbar.ca.gov>

# State Bar of California Ethics/CTA School Enrollment Form

DATE: \_\_\_\_\_  
APPLICANT'S NAME: \_\_\_\_\_ SBN: \_\_\_\_\_  
APPLICANT'S ADDRESS: \_\_\_\_\_  
CITY, STATE, ZIP: \_\_\_\_\_  
PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_  
E-MAIL ADDRESS: \_\_\_\_\_

**LOS ANGELES**  
845 South Figueroa Street  
Los Angeles, CA 90017-2515

**SAN FRANCISCO**  
180 Howard Street  
San Francisco, CA 94105

ETHICS (\$150) DATE OF CLASS: \_\_\_\_\_ LOCATION (LA OR SF): \_\_\_\_\_  
CTA (\$100) DATE OF CLASS: \_\_\_\_\_ LOCATION (LA OR SF): \_\_\_\_\_

Return completed Application Enrollment Form with personal check, money order or cashier's check made payable to the State Bar of California, 845 S. Figueroa Street, Los Angeles, CA, 90017-2515, attention: Letty Ramos, Office of the Chief Trial Counsel. Upon receipt of your application and payment, a confirming reservation letter will be mailed to you. If you have any questions, please contact Letty Ramos at (213) 765-1309 or by fax at (213) 765-1029.

Please indicate below the reason for your attendance:

- Supreme Court Order/State Bar Court Decision after hearing requiring attendance
- Supreme Court Order/State Bar Court Order following stipulated disposition requiring attendance
- Agreement in Lieu of Discipline
- Voluntary Agreement with the Office of the Chief Trial Counsel
- State Bar Applicant for Admission
- Voluntarily

You can register for Ethics School and/or Client Trust Accounting School by: 1) mailing application form with payment to the address on the form; or 2) going online at [www.calbar.ca.gov](http://www.calbar.ca.gov): Home > Attorneys > Lawyer Regulation > Ethics Schools, go to end of section and click on Register Now, or click on Class Schedule and Registration. You are **NOT** registered until your payment is received. If you have any questions, please contact Letty Ramos at (213) 765-1309.

This document to which this certificate is attached,  
is a full, true and correct copy of the original on  
file and of record in the Office of Probation.

Attest November 3, 2015



By (Signature)

Michael Angelo Kanterakis  
State Bar of California, Office of Probation  
Los Angeles, California

Law Office of  
Victoria L. Campbell  
314 West Line Street, Ste. H  
P.O. Box 1413  
Bishop, CA 93515  
(760) 873-7070  
Fax: (760) 873-8080  
email: [victoria@esierrealaw.com](mailto:victoria@esierrealaw.com)

FAX COVER SHEET

TO: Michael Kanterakis  
FAX NO.: (213) 765-1439  
FROM: Victoria Campbell  
TEL. NO.: (760) 873-7070  
DATE: 1/8/2015  
RE: Gerard B. Harvey; State Bar Court Case No. 13-C-11781/Supreme Court Case No. S220720

NO. PAGES: 2 (including cover sheet)

MESSAGE: We are forwarding Mr. Harvey's Authorization to Obtain and Disclose Medical Information in the above-referenced case.

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL THE SENDER AS SOON AS POSSIBLE. This facsimile contains confidential information, which may also be privileged. Unless you are the addressee named above (or authorized to receive for the addressee), you may not copy, use, or distribute it. If you have received it in error, please advise above office immediately by telephone or facsimile transmission.

00052



This document to which this certificate is attached,  
is a full, true and correct copy of the original on  
file and of record in the Office of Probation.



Attest November 3, 2015

By (M.A.K.)

Michael Angelo Kanterakis  
State Bar of California, Office of Probation  
Los Angeles, California

00054

REQUIRED PROBATION MEETING RECORD

Case Name: Gerard Brennan Harvey

Member No.: 152669 Case Number: 5226720

Contact Compliance Date: 12-20-14 Contact Date: 1-5-15 (late) Date of Required Meeting: 1-9-2015

[ ] In Person Meeting (State Bar Offices - LA) [X] Telephonic Meeting

[X] Verified Respondent received copy of reminder probation letter & supporting documents

[X] Discussed conditions of probation / preapproval / ALD / ADP agreement (please circle one)

[X] Discussed reporting schedule & requirements

[X] Notified Respondent that compliance documents must be ~~received~~ postmarked by the Office of Probation on or before the due date. NOT signed or postmarked on the due date.

[X] Reminded Respondent that the MPRE is offered three times each year, but not all Respondents will have three chances to take the MPRE by their particular deadline; that they must have the results reported to California (this is the only sufficient form of proof); provide copy of test results to the Office of Probation; and that (in Probation matters) Respondent will be automatically suspended if MPRE is not passed by the due date until proof of passage is provided.

[X] Verified Respondent's current mailing address & telephone number

[X] Same as SB Membership Records address & telephone number [ ] New / Alternate (please circle one) address or telephone number:

cell (760) 264-5580

[ ] If condition involves a third party, e.g. restitution owed, ask Respondent to include with first Quarterly Report any identifying/contact info (e.g., full name, CDL, SSN, age, last known work/home tel./address, etc.):

[ ] If condition involves drug lab testing, remind Respondent that he will be contacted for random lab testing even if represented by counsel. (The condition is non-delegatable)

[X] Advised Respondent that filing of a motion should be considered if unable to meet conditions by the deadlines. Copy of motion should be served on the Office of Probation.

[X] Notified Respondent that a non-compliance referral will be made if conditions are not met by deadlines.

[X] Instructed Respondent to contact the Office of Probation if any questions or concerns arise regarding Respondent's disciplinary orders and compliance thereof.

Comments: No AA sponsor.

BY: [Signature]

Probation Deputy

BY: \_\_\_\_\_

Respondent (signature & acknowledgment of in-person meeting)

This document to which this certificate is attached,  
is a full, true and correct copy of the original on  
file and of record in the Office of Probation.



Attest November 3, 2015

By M.A.K.

Michael Angelo Kanterakis  
State Bar of California, Office of Probation  
Los Angeles, California

00056











00062



96017-2515

Office of Probation  
Los Angeles  
845 S. Figueroa St.  
Los Angeles, CA

RECEIVED  
JAN 13 2015



LEAH MANNEN  
P.O. Box 1701  
Bishop, CA  
93515

This document to which this certificate is attached,  
is a full, true and correct copy of the original on  
file and of record in the Office of Probation.



Attest November 3, 2015

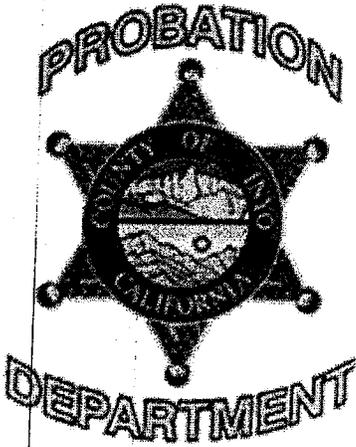
By M.A.K.

Michael Angelo Kanterakis  
State Bar of California, Office of Probation  
Los Angeles, California

00063



Deputy Probation Officer II  
918 North Main Street  
Bishop, Ca. 93514  
(760)872-4111, ext. 0919  
(760)937-5199 Cell phone  
[jweier@invocounty.us](mailto:jweier@invocounty.us)



*Community, Pride, and Progress*

This document to which this certificate is attached is a full, true and correct copy of the original on file and of record in the Office of Probation.

Attest November 3, 2015



By MAK

Michael Angelo Kanterakis  
State Bar of California, Office of Probation  
Los Angeles, California

00066

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Law Office of  
**Victoria L. Campbell**  
314 West Line Street, Ste. H  
P.O. Box 1413  
Bishop, CA 93515  
email: [victoria@esierralaw.com](mailto:victoria@esierralaw.com)

April 24, 2015

*Sent via U.S. Mail and Email*

Benson Hom  
State Bar Court of California  
845 South Figueroa Street  
Los Angeles, CA 90017-2515

Re: Respondent: Gerard B. Harvey  
Case Number: S220720

Dear Mr. Hom:

Enclosed please find Mr. Harvey's Quarterly Report for April 2015.

Unfortunately, Dr. Murat Akalin's report is not yet available but will be provided as soon as possible.

Very truly yours,



VICTORIA L. CAMPBELL  
Attorney at Law

Encl.

cc: Gerard B. Harvey

00067

<p>IN THE MATTER OF Gerard Brennan Harvey</p> <p>CASE NO(s): S220720</p> <p>Probation</p>	<p>(For Office of Probation Use Only)</p> <p><b>FILED</b></p> <p>APR 29 2015 <i>TRAY</i> <u>LATE</u></p> <p><b>OFFICE OF PROBATION LOS ANGELES</b></p>
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**QUARTERLY REPORT**

**First Report Due: January 10, 2015** (for period November 21, 2014 through December 31, 2014)       **Final Report Due: November 21, 2016** (for period October 1, 2016 through November 21, 2016)

Due:  January 10, 20\_\_ (for period 10/1 through 12/31)       **April 10, 20\_15** (for period 01/01 through 3/31)       July 10, 20\_\_ (for period 4/1 through 6/30)       October 10, 20\_\_ (for period 7/1 through 9/30)

*Make sufficient copies of this form for future use and mail reports to State Bar of California, Attn: Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515.*

*Place an "X" before each of the statements below that applies to you:*

**Compliance with State Bar Act and Rules; and Report on SBC Proceedings**

During the reporting period noted above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation; and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

Or

During the reporting period above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation **EXCEPT (please list specific violations or exceptions - - do NOT list pending proceedings in this space):**

*I am 2 weeks late filing my quarterly report, however in all other respects I am in compliance w. my probation. I am waiting for letter from prosecutor Murat Akalen.*

(attach declaration under penalty of perjury if more space is needed); and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

### Current Address

— Within 10 days of any change, I reported to the Membership Records Office and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information including current name, office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code

### Suspension

*[Handwritten signature]*

I did not practice law at any time during the reporting period noted above or applicable portion thereof during which I was suspended pursuant to the Supreme Court order in this case.

### State Bar Ethics School

— I have registered for the State Bar Ethics School course given on \_\_\_\_\_.

— I have completed the State Bar Ethics School course given on \_\_\_\_\_.  
A copy of my certificate of completion is attached if not previously submitted.

### Conditions of Probation/Parole in Underlying Criminal Matter

*[Handwritten signature]*

I have complied with the conditions of probation/parole imposed upon me in the underlying criminal matter during the reporting period noted above or portion thereof.

— During the reporting period noted above or portion thereof, my criminal probation was modified, terminated or expired and attached hereto is a statement of the facts or copy of the document(s) effectuating said change.

### Multi-State Professional Responsibility Examination

— I have registered for the MPRE given on \_\_\_\_\_.

— I have taken the MPRE given on \_\_\_\_\_ and am awaiting the results.

— I passed the MPRE given on \_\_\_\_\_. A copy of my results is attached if not previously submitted.

— I did not pass the MPRE given on \_\_\_\_\_ and have re-scheduled to take the examination given on \_\_\_\_\_.

### Mental Health Report

— I have attached to this report a statement from my treating psychiatrist, psychologist, or clinical social worker confirming that I have received help/treatment at least 1 time(s) per month during the reporting period noted above or portion thereof.  
Not yet received from Dr. Akalin. To be provided.

### Alcohol/Drug Abstinence

*MB* During the reporting period noted above or portion thereof, I have abstained from use of any alcoholic beverages and have not used or possessed any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.

### Meetings Attendance

*MB* During the reporting period noted above or portion thereof, I have attended at least 4 meetings per month of Alcoholics Anonymous, Narcotics Anonymous, The Other Bar, or other required program. I have provided to the Office of Probation the required proof of attendance during each month on or before the tenth (10th) day of the following month under separate cover.

I declare under penalty of perjury under the laws of the State of California that all of the information provided in this report is true and accurate.

Date: 4/24/15  
(Date of actual signature)

Signature: *Gerard Brennan Harvey*  
Gerard Brennan Harvey  
(Please sign in blue ink)

AA and/or N/A  
**ATTENDANCE VERIFICATION AND DECLARATION**  
*4 times per month; commencing December 2014 for one year*  
**Proof of Attendance to the Office of Probation with each Quarterly Report**

NAME: Gerard Brennan Harvey

MONTH OF: April 2015

DATE	GROUP NAME	CITY	SIGNATURE OF SECRETARY OR CHAIRPERSON
1/17/15	Bishop Group	Bishop	<i>[Signature]</i>
1/24/15	"	"	<i>[Signature]</i>
1/31/15	"	"	<i>[Signature]</i>
<del>2/7/15</del>			
2/14/15	Mens Stag	"	<i>[Signature]</i>
2/17/15	Bishop Group	"	<i>[Signature]</i>
2/11/15	Mens Stag	"	<i>[Signature]</i>
2/14/15	Bishop Group	"	<i>[Signature]</i>
2/18/15	Mens Stag	"	<i>[Signature]</i>
3/7/15	Bishop Group	"	<i>[Signature]</i>
3/11/15	Mens Stag	"	<i>[Signature]</i>

I have complied with all terms of my probation.

I have not consumed any alcohol, nor used or possessed any narcotics, dangerous or restricted drugs, controlled substances, marijuana or associated paraphernalia, except with a valid prescription.

FILED

COMMENTS: \_\_\_\_\_ APR 29 2015 *[Stamp]*

**OFFICE OF PROBATION  
LOS ANGELES**

I DECLARE UNDER PENALTY OF PERJURY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND ACCURATE.

SIGNED: *[Signature]*

DATE: 4/10/2015





# DEPARTMENT OF HEALTH AND HUMAN SERVICES

Jean Turner, M.A., Director

Reply to:

- Administration/Fiscal  
P. O. Drawer H  
Independence, CA 93526  
Tel: (760) 878-0242  
Fax: (760) 878-0266
- Administration  
163 May Street  
Bishop, CA 93514  
Tel: (760) 872-4245  
Fax: (760) 873-6505
- Behavioral Health  
162-J Grove Street  
Bishop, CA 93514  
Tel: (760) 873-6533  
Tel: (760) 873-5888  
Fax: (760) 873-3277
- Progress House  
P. O. Box 448  
Bishop, CA 93515  
Tel: (760) 873-8572
- Public Health  
207-A South Street  
Bishop, CA 93514  
Tel: (760) 873-7868  
Fax: (760) 873-7800
- Prevention  
163 May Street  
Bishop, CA 93514  
Tel: (760) 872-4245  
Fax: (760) 873-6505
- WIC  
568 W. Line Street  
Bishop, CA 93514  
Tel: (760) 872-1883  
Fax: (760) 872-1623
- Children and Adult  
Social Services  
162-C Grove Street  
Bishop, CA 93514  
Tel: (760) 872-1727  
Fax: (760) 872-1749
- Employment and  
Temporary Assistance  
920 N. Main Street  
Bishop, CA 93514  
Tel: (760) 872-1394  
Fax: (760) 872-4950
- First Five Commission  
568 W. Line Street  
Bishop, CA 93514  
Tel: (760) 873-6453  
Fax: (760) 873-6505
- IMAAA  
162-C Grove Street  
Bishop, CA 93514  
Tel: (760) 872-1883  
Fax: (760) 872-1623

*Satellite Service Locations:*

- P. O. Box 514  
Lone Pine, CA 93545  
Tel: (760) 876-5545  
Fax: (760) 876-5127
- P. O. Box 156  
Tecopa, CA 92389  
Tel: (760) 852-4141  
Fax: (760) 852-4140

To: Superior Court  
Date: February 18, 2015  
Re: Gerard Harvey

This letter is in response to Mr. Harvey's request regarding the services he has been involved with and his progress to date. Mr. Harvey has been attending Inyo County's Relapse Prevention group and Moral Reconciliation Therapy weekly for the last three months. He will continue with these services for an additional three months.

As the clinician who facilitates the Relapse Prevention group, my observation of Mr. Harvey is that he shows an interest and a willingness to explore the subjects discussed and how they apply to his life and his role in recovery from substance abuse. He is an active participant who expresses accountability for his behaviors, as well as the understanding that he needs to actively engage in new ways of thinking and acting in order to sustain long-term recovery from alcohol and drugs.

I am encouraged by Mr. Harvey's progress and feel confident that he will continue to embrace a productive lifestyle without the use of mood altering substances.

Sincerely, Janelle Kent M.S., PCCI, CADCI  
Inyo County Behavioral Health

00073



# DEPARTMENT OF HEALTH AND HUMAN SERVICES

Jean Turner, M.A., Director

MAR 13 2015

Reply to:

## Compliance Verification

Administration/Fiscal  
P. O. Drawer H  
Independence, CA 93526  
Tel: (760) 878-0242  
Fax: (760) 878-0266

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### Satellite Service Locations:

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Toiyabe, CA 92389  
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Fax: (760) 852-4140

### INYO COUNTY

PROBATION

Participant Name: Gerard Harvey Month/Year 3/15

Referral/Release with Probation P.O. John Wiley

Request /Release with Child Protective Services/SW

Other Agency

Attended Assessment Date: 11-13-14 Start Date: 11-18-14

Treatment Plan: Frequency: Dates attended this month:

Tier I

Tier II

Aftercare

Diversion

Relapse Inter/Prev. Weekly 2/10, 2/17, 2/24, 3/3

Adolescent

Peri-Natal

Dual Diagnosis

MAT Weekly 2/4, 2/18, 2/25

Did not attend Program on date(s) as required:

Additional services in current treatment plan:

Next court 4-20-15

### Progress Report:

Abstinence  Active in AA/12 step  Sponsor

Family attending  Vocational Assessment  Literacy Assessment

Group Participation  Active  Passive  Positive  Negative

Urine Testing Date:  Positive  Negative

Relapse Plan:

Participant considered to be:  Compliant  Non-Compliant

### Discharge Summary:

Completed Program with last date of attendance on

Did not complete Program last date of attendance on

FEES Current:  Yes  No

Reason for Discharge:

Achievements:

Alcohol or other drug usage on discharge:

Legal status:

Treatment Exit Plan:

Completed Program Evaluation

Participant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Staff Signature: [Signature] Date 3-13-15

00074



FROM Horn / Ent.  
DEPT. Ent / LA

**RECEIVED**

APR 30 2015

OFFICE OF PROBATION  
LOS ANGELES

**INTER-DEPARTMENT MAIL**

TO Michael Kanterakis DEPT. Probation / LA.  
*Probation (QR)*

This document to which this certificate is attached,  
is a full, true and correct copy of the original on  
file and of record in the Office of Probation.

Attest November 3, 2015



By (Signature)

Michael Angelo Kanterakis  
State Bar of California, Office of Probation  
Los Angeles, California



**THE STATE BAR  
OF CALIFORNIA**

845 SOUTH FIGUEROA STREET, LOS ANGELES, CALIFORNIA 90017-2515

**OFFICE OF PROBATION**

Terrie Goldade, Supervising Attorney (213) 765-1494

TELEPHONE: (213) 765-1000

FAX: (213) 765-1439

<http://www.calbar.ca.gov>

**Michael Angelo Kanterakis: (213) 765-1410**

[Michael.Kanterakis@calbar.ca.gov](mailto:Michael.Kanterakis@calbar.ca.gov)

April 30, 2015

**OFFICE OF PROBATION  
ADDRESS VERIFIED  
April 30, 2015**

Gerard Brennan Harvey  
PO Box 1701  
Bishop, CA 93515

BY: 

In re: **S220720**

In the Matter of **Gerard Brennan Harvey**

Dear Gerard Brennan Harvey:

As you are aware, you were ordered to comply with specific terms and conditions of your probation imposed by the Supreme Court which became effective November 21, 2014.

The following chart summarizes your compliance and non-compliance with the conditions of your probation to date:

Condition	Due Date	Completion Date	Comments
Medical Waiver	December 20, 2014	January 8, 2015	LATE
Schedule Req'd. Mtg.	December 20, 2014	January 5, 2015	LATE
Hold Required Mtg.	As Scheduled	January 9, 2015	
Rule 9.20	December 30, 2014	February 12, 2015	Referred in matter 15-N-10509
Quarterly Reports	January 10, 2015 April 10, 2015	January 9, 2015 April 27, 2015	Filed January 13, 2015 Filed April 29, 2015 (LATE)
Underlying Criminal Matter Probation Reports	January 10, 2015 April 10, 2015	January 9, 2015 April 27, 2015	Filed January 13, 2015 Filed April 29, 2015 (LATE)
Psych Reports	January 10, 2015 April 10, 2015	-- --	Never received by Office of Probation Never received by Office of Probation
12-Step Abstinence based program Meetings	January 10, 2015 April 10, 2015	January 9, 2015 April 27, 2015	Filed January 13, 2015 Filed April 29, 2015 (LATE)
Ethics School	November 21, 2015	--	Not yet due
MPRE	November 21, 2015	--	Not yet due

Gerard Brennan Harvey  
April 30, 2015  
Page 2

Consequently, you are not in compliance with the terms and conditions of your Probation, and you may face a non-compliance referral which may result in the imposition of additional discipline and attendant costs (see attached). Even if you contact the Office of Probation, a referral may still be prepared. The Office of Probation will not send any further reminder letters regarding the aforementioned non-compliance or any future compliance due dates or lack of receipt of compliance documentation.

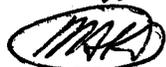
**Please be reminded that LATE completion, submission, or filing of proof/documents, does not mean you are in compliance.** You will **never** be in compliance because being even one day late means that you are not in compliance with the terms and conditions of your Probation.

Likewise, *if for any reason*, you cannot *timely* comply with the terms and conditions of the discipline imposed, and to avoid a non-compliance referral, *you must* file a motion with the State Bar Court. See rules 5.162 and 5.300, et seq., Rules of Procedure of the State Bar of California. A copy of the motion must be served upon the Office of Probation. *The Office of Probation does not have the authority to extend compliance due dates or modify the terms and conditions of your probation.*

Your Quarterly Report due postmarked by April 10, 2015 was received late (postmarked April 27, 2015). Your report was addressed to Benson Hom of State Bar Court. You were ordered to report to the Office of Probation. Please ensure all future documents are submitted to the Office of Probation of the State Bar of California, 845 S. Figueroa Street, Los Angeles, CA 90017. You may also submit your reports electronically via fax (213) 765 – 1410 or e-mail: [Michael.Kanterakis@calbar.ca.gov](mailto:Michael.Kanterakis@calbar.ca.gov).

Please note that even if you are referred, you are **STILL REQUIRED TO TIMELY COMPLY** with all probation conditions in this matter. Additional violations may be subject to a separate non-compliance referral. If you have any questions regarding this matter, please e-mail me at [Michael.Kanterakis@calbar.ca.gov](mailto:Michael.Kanterakis@calbar.ca.gov).

Sincerely,



Michael Angelo Kanterakis  
Probation Deputy

/mak

Enclosure(s)

00079

# Discipline Costs - 2015

Effective January 1, 2015.

Pursuant to action by the State Bar's governing board in January 2011 and May 2012, the costs assessed for disciplinary matters are adjusted annually to account for changes in labor and other resource costs. The adjustment is calculated by combining 40% of the year-on-year percentage change in the Consumer Price Index<sup>1</sup> with 60% of the annual percentage change in the Employment Cost Index for Management, Professional and Related Occupations<sup>2</sup>. For 2015, the adjustment is an increase of 2.47%.

For matters filed on or after January 1, 2015, the costs assessed are as follows:

Original Proceedings (Stage at which the matter settles)	Cost Assessment
Matters that go in Default	\$4,451
Matters that Settle Prior to Filing of a Notice of Disciplinary Charges	\$3,066
Matters that Settle during first 120 days of proceeding	\$3,584
Matters that Settle before Pretrial Statement is filed	\$5,680
Matters that Settle before trial but after Pretrial Statement is filed	\$7,431
Matters that proceed to a One-day trial	\$7,431
Matters that proceed to a Multi-day trial	\$16,758
Matters that proceed to the Review Department	\$20,499

Conviction Referrals (Stage at which the matter settles)	Cost Assessment
Matters that go into Default	\$3,003
Matters that Settle during the first 120 days of proceeding	\$2,507
Matters that Settle before Pretrial Statement is filed	\$5,378
Matters that Settle before trial but after Pretrial Statement is filed	\$7,059
Matters that proceed to a One-day trial	\$7,059
Matters that proceed into a Multi-day trial	\$12,854
Matters that proceed to the Review Department	\$18,375

Other Matters	Cost Assessment
Probation Revocation Proceedings	\$2,401
Rule 9.20 Proceedings	\$2,549

Additional Costs (as appropriate)	Cost Assessment
Each investigation matter over one	\$978
Each resignation	\$137
Consolidation cost equal to the minimum cost for the consolidated case type	
Transcript costs incurred by the Office of the Chief Trial Counsel (BPC § 6086.10(b)(1))	
Taxable costs incurred by the Office of the Chief Trial Counsel (BPC § 6086.10(b)(2))	

<sup>1</sup> Specifically, the December-to-December change in U.S. Bureau of Labor Statistics series CUURA422SA0.

<sup>2</sup> Specifically, the Q4-to-Q4 change in U.S. Bureau of Labor Statistics series CIU2010000100000I.

This document to which this certificate is attached,  
is a full, true and correct copy of the original on  
file and of record in the Office of Probation.



Attest November 3, 2015

By (Signature)

Michael Angelo Kanterakis  
State Bar of California, Office of Probation  
Los Angeles, California

**Kanterakis, Michael**

---

**From:** Julie Weier <jweier@inyocounty.us>  
**Sent:** Monday, July 20, 2015 8:01 AM  
**To:** Laura Baggett  
**Cc:** Kanterakis, Michael  
**Subject:** FW: Scanned Image  
**Attachments:** 0893\_001.pdf

Progress Report on Gerard Harvey, as he has a Prop 36 court review today at 1:00pm.

**From:** [noreply@inyocounty.us](mailto:noreply@inyocounty.us) [<mailto:noreply@inyocounty.us>]  
**Sent:** Monday, July 20, 2015 7:56 AM  
**To:** Julie Weier  
**Subject:** Scanned Image



# DEPARTMENT OF HEALTH AND HUMAN SERVICES

Jean Turner, M.A., Director

# RECEIVED

JUL 17 2015

## Compliance Verification

Reply to:

Administration/Fiscal  
P. O. Drawer H  
Independence, CA 93526  
Tel: (760) 878-0242  
Fax: (760) 878-0266

Administration  
163 May Street  
Bishop, CA 93514  
Tel: (760) 872-4245  
Fax: (760) 873-6505

Behavioral Health  
162-J Grove Street  
Bishop, CA 93514  
Tel: (760) 873-6533  
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P. O. Box 448  
Bishop, CA 93515  
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Fax: (760) 872-1749

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Bishop, CA 93514  
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Fax: (760) 872-4950

First Five Commission  
568 W. Line Street  
Bishop, CA 93514  
Tel: (760) 873-6453  
Fax: (760) 873-6505

IMAAA  
162-C Grove Street  
Bishop, CA 93514  
Tel: (760) 872-1893  
Fax: (760) 872-1623

Satellite Service Locations:

P. O. Box 514  
Lone Pine, CA 93545  
Tel: (760) 876-5545  
Fax: (760) 876-5127

P. O. Box 156  
Teeona, CA 92389  
Tel: (760) 852-4141  
Fax: (760) 852-4140

PROBATION DEPARTMENT

Participant Name: Gerard Harvey Month/Year 7/15

- Referral/Release with Probation /P.O. Duke Wilson
- Request /Release with Child Protective Services/SW
- Other Agency

Attended Assessment Date: 11/14 Start Date: 11/14

Treatment Plan: Frequency: Dates attended this month:

- Tier I
- Tier II
- Aftercare
- Diversion
- Relapse Inter/Prev. Completed 6-16-15
- Adolescent
- Peri-Natal
- Dual Diagnosis
- MRT Weekly 10 of 12 steps

Did not attend Program on date(s) as required: Complete  
Additional services in current treatment plan:

### Progress Report:

- Abstinence
- Family attending
- Active in AA/12 step
- Vocational Assessment
- Sponsor
- Literacy Assessment

Group Participation  Active  Passive  Positive  Negative

Urine Testing Date:  Positive  Negative

### Relapse Plan:

Participant considered to be:  Compliant  Non-Compliant

### Discharge Summary:

Completed Program with last date of attendance on \_\_\_\_\_

Did not complete Program last date of attendance on \_\_\_\_\_

FEBS Current:  Yes  No

Reason for Discharge: \_\_\_\_\_

Achievements: \_\_\_\_\_

Alcohol or other drug usage on discharge: \_\_\_\_\_

Legal status: \_\_\_\_\_

Treatment Exit Plan: \_\_\_\_\_

Completed Program Evaluation

Participant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Staff Signature: [Signature] Date: 7-17-15

This document to which this certificate is attached,  
is a full, true and correct copy of the original on  
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Attest November 3, 2015



By 

Michael Angelo Kanterakis  
State Bar of California, Office of Probation  
Los Angeles, California

00084

MODE = MEMORY TRANSMISSION

START=SEP-17 12:45

END=SEP-17 12:46

FILE NO.=957

STN NO.	COMM.	STATION NAME/EMAIL ADDRESS/TELEPHONE NO.	PAGES	DURATION
001	OK	917608738080	001/001	00:00:53

-STATE BAR OF CALIF. -

\*\*\*\*\* UF-8000 v2 \*\*\*\*\* -LOS ANGELES - \*\*\*\*\* - 213 765 1318- \*\*\*\*\*

### NOTICE OF COUNSEL REPRESENTATION

Respondent: \_\_\_\_\_

State Bar Case #: \_\_\_\_\_

Member Number: \_\_\_\_\_

Counsel Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

Bar Number: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Respondent Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Counsel Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Please complete and return this form to the State Bar of California, Attention: Office of Probation, 845 South Figueroa Street, Los Angeles, CA 90017-2515.

Revised 01/09/14



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Attest November 3, 2015

By *MAK*

Michael Angelo Kanterakis  
State Bar of California, Office of Probation  
Los Angeles, California

00087

09-18-15, 11:20AM, FROM: Law Office of Victoria L. Campbell, TO: [REDACTED]

Law Office of  
Victoria L. Campbell  
314 West Line Street, Ste. H  
P.O. Box 1413  
Bishop, CA 93515  
(760) 873-7070  
Fax: (760) 873-8080  
email: [victoria@esierralaw.com](mailto:victoria@esierralaw.com)

FAX COVER SHEET

TO: Michael Kanterakis

FAX NO.: (213) 765-1439

FROM: Victoria Campbell

TEL. NO.: (760) 873-7070

DATE: 9/18/2015

RE: Gerard B. Harvey; State Bar Court Case No. 13-C-11781/Supreme Court Case No. S220720

NO. PAGES: 2 (including cover sheet)

MESSAGE: I am forwarding the Notice of Counsel Representation in the above-referenced case.

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL THE SENDER AS SOON AS POSSIBLE. This facsimile contains confidential information, which may also be privileged. Unless you are the addressee named above (or authorized to receive for the addressee), you may not copy, use, or distribute it. If you have received it in error, please advise above office immediately by telephone or facsimile transmission.

00088

### NOTICE OF COUNSEL REPRESENTATION

Respondent: Gerard B. Harvey

State Bar Case #: 13-C-11781

Member Number: 152669

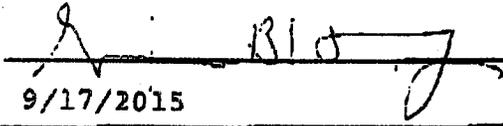
Counsel Name: Victoria L. Campbell

Firm Name: Law Office of Victoria L. Campbell

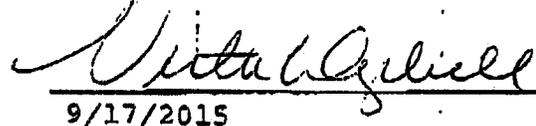
Address: P.O. Box 1413  
Bishop, CA 93514

Bar Number: 149157

Phone Number: 760-873-7070

Respondent Signature: 

Date: 9/17/2015

Counsel Signature: 

Date: 9/17/2015

Please complete and return this form to the State Bar of California, Attention: Office of Probation, 845 South Figueroa Street, Los Angeles, CA 90017-2515.

*Revised 01/09/14*

00089

TOTAL P.001

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Attest November 3, 2015

By 

Michael Angelo Kanterakis  
State Bar of California, Office of Probation  
Los Angeles, California

00090

AA and/or N/A  
**ATTENDANCE VERIFICATION AND DECLARATION**  
*4 times per month; commencing December 2014 for one year*  
*Proof of Attendance to the Office of Probation with each Quarterly Report*

NAME: Gerard Brennan Harvey MONTH OF: June 2015

DATE	GROUP NAME	CITY	SIGNATURE OF SUPERVISOR OR CHAIRPERSON
6/6/15	Bishop	Bishop	[Signature]
6/10/15	Monday		[Signature]
6/20/15	Bishop		[Signature]
6/24/15	Monday	<b>NOT COMPLIANT</b>	
		SEP 20 2015	[Signature]
<input checked="" type="checkbox"/> Not timely <input type="checkbox"/> Reporting Period Unclear <input type="checkbox"/> Compliance Unclear <input type="checkbox"/> Incorrectly dated <input type="checkbox"/> Other _____			
Office of Probation			

I have complied with all terms of my probation.

I have not consumed any alcohol, nor used or possessed any narcotics, dangerous or restricted drugs, controlled substances, marijuana or associated paraphernalia, except with a valid prescription.

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND ACCURATE.**

SIGNED: [Signature] DATE: 7/10/15

00110

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is a full, true and correct copy of the original on  
file and of record in the Office of Probation.



Attest November 3, 2015

By M.A.K.

Michael Angelo Kanterakis  
State Bar of California, Office of Probation  
Los Angeles, California

00111



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 Press "New Search Criteria" to do another search of this type.  
 Press "New Search" to start a new search.

License Number: 82942	Current Date: 09/21/2015 12:26 PM
Name:	AKALIN, MURAT ZEKI
License Type:	Physician and Surgeon A
License Status:	License Renewed & Current
Expiration Date:	05/31/2017
School Name:	MA001 - HARVARD MEDICAL SCHOOL
Date of Graduation:	06/07/2001
Original Issuance Date:	05/02/2003

**Addresses**

Address of Record (Required)	Address
	138 S Main St BISHOP, CA INYO 93514-3415 United States <a href="#">View on a map</a>

**Survey Information**

The following information is self-reported by the licensee and has not been verified by the Board.

Are you retired?	No
Activities in Medicine	Administration - 1-9 Hours Patient Care - 20-29 Hours Teaching - 1-9 Hours Telemedicine - 1-9 Hours
Patient Care Practice Location	Zip: 93514 County: INYO
Patient Care Secondary Practice Location	Zip: 93514 County: MONO
Telemedicine Practice Location	Zip: 93546 County: MONO
Telemedicine Secondary Practice Location	Not Identified
Current Training Status	Not in Training
Areas of Practice	Family Medicine - Secondary Preventive - Primary
Board Certifications	American Board of Family Medicine - Family Medicine American Board of Family Medicine and Geriatrics - Psychiatry
Postgraduate Training Years	5 Years
Cultural Background	Declined to Disclose
Foreign Language Proficiency	Spanish Turkish

00112

**Survey Information**

The following information is self-reported by the licensee and has not been verified by the Board.

Gender **Male**

**Public Record Actions**

<b>Administrative Disciplinary Actions</b>	None found
<b>Court Order</b>	None found
<b>Misdemeanor Conviction</b>	None found
<b>Probationary License</b>	None found
<b>Felony Conviction</b>	None found
<b>Malpractice Judgment</b>	None found
<b>Hospital Disciplinary Action</b>	None found
<b>License Issued with Public Letter of Reprimand (Non-Disciplinary)</b>	None found
<b>Administrative Citation Issued</b>	None found
<b>Administrative Action Taken by Other State or Federal Government</b>	None found
<b>Arbitration Award</b>	None found

[Search Results](#)   [New Search Criteria](#)   [New Search](#)   [Print](#)

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Copyright © 2013 State of California

00113

**This document to which this certificate is attached,  
is a full, true and correct copy of the original on  
file and of record in the Office of Probation.**



Attest November 23, 2015

By M.A. Kanterakis  
Michael Angelo Kanterakis  
State Bar of California, Office of Probation  
Los Angeles, California

CONFIDENTIALITY NOTICE: This message is intended solely for the person(s) to whom it is addressed, and it may contain material that is protected by the attorney-client privilege, and/or the attorney work-product doctrine, and the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521. This email is confidential and exempt from disclosure under applicable law. If you are not the intended recipient(s), or the employee or agent responsible for the delivery of this message to the intended recipient(s), you are hereby notified that any dissemination, distribution or copying of this message is strictly prohibited. If you have received this message in error, please immediately notify the sender at 760.873.7070, and please delete this message and destroy any and all copies thereof. THANK YOU.

This document to which this certificate is attached,  
is a full, true and correct copy of the original on  
file and of record in the Office of Probation.



Attest November 3, 2015

By M.A.K.

Michael Angelo Kanterakis  
State Bar of California, Office of Probation  
Los Angeles, California

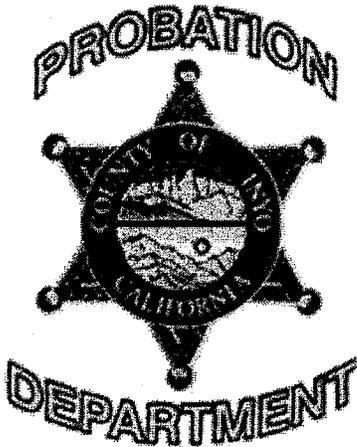
**Kanterakis, Michael**

---

**From:** Julie Weier <jweier@inyocounty.us>  
**Sent:** Wednesday, September 23, 2015 9:58 AM  
**To:** Kanterakis, Michael  
**Subject:** Gerard Harvey State Bar#152669

As I am uncertain if you are still the assigned State Bar P.O. for Mr. Harvey's case, I wanted to let you know that I am violating his terms of criminal probation in Inyo County Case#MBCRM-13-55077-2, as Mr. Harvey has tested positive for Methamphetamine on September 11, 2015. I have also notified Attorney General Laura Baggett, of the situation. Once the violation complaint is filed, I will provide A.G. Baggett with a copy.

**Julie A. Weier**  
**Deputy Probation Officer II**  
**918 North Main Street**  
**Bishop, Ca. 93514**  
**(760)872-4111, ext. 4012**  
**(760)937-5199 Cell phone**  
**(760) 872-0931 Fax**  
**jweier@inyocounty.us**



*Community, Pride, and Progress*

This document to which this certificate is attached,  
is a full, true and correct copy of the original on  
file and of record in the Office of Probation.



Attest November 3 2015

By M.A.K.  
Michael Angelo Kanterakis  
State Bar of California, Office of Probation  
Los Angeles, California

**Kanterakis, Michael**

---

**From:** Julie Weier <jweier@inyocounty.us>  
**Sent:** Thursday, September 24, 2015 3:38 PM  
**To:** Laura Baggett; Kanterakis, Michael  
**Subject:** FW: Scanned Image  
**Attachments:** 1002\_001.pdf

Probation Violation Complaint for Gerard Harvey with attachments

**From:** [noreply@inyocounty.us](mailto:noreply@inyocounty.us) [<mailto:noreply@inyocounty.us>]  
**Sent:** Thursday, September 24, 2015 3:32 PM  
**To:** Julie Weier  
**Subject:** Scanned Image

107

FILED

SEP 24 2015

IN AND FOR THE COUNTY OF INYO  
BY HMN

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF INYO

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

GERARD BRENNAN HARVEY,

Defendant.

Case No.: MBCRM-13-55077-2

PROBATION VIOLATION COMPLAINT;  
REQUEST FOR REVOCATION AND  
HEARING

Court date: Monday October 19, 2015

Time: 1:00 p.m.

The undersigned, the Deputy Probation Officer for the County of Inyo, is informed and believes, and on such information and belief, complains and accuses the above-named Defendant, GERARD BRENNAN HARVEY, of violating terms and conditions of Formal Probation granted to said Defendant by this Court for a term of EIGHTEEN (18) months on JUNE 19, 2013, and MODIFIED on OCTOBER 9, 2013, as follows:

COUNT I

The Defendant has failed to comply with terms and conditions No. 9 of his probation by willfully admitting using a drug not approved by the Probation Officer, to wit: METHAMPHETAMINE. This violation occurred on or about *SEPTEMBER 11, 2015*.

///

///

///

11550(a) HS Misd.  
6/19/13  
12/18/14  
JAW/srs

00122

1 A copy of Defendant's terms and conditions of probation is attached hereto and  
2 made a part thereof.

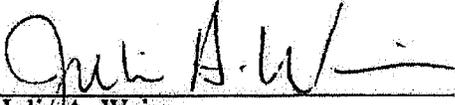
3 THEREFORE, it is respectfully requested that the Court find the Defendant,  
4 GERARD BRENNAN HARVEY, in violation of his probation as hereinabove alleged, and order  
5 that the Defendant's probation be revoked to retain jurisdiction.

6 The Defendant has already been scheduled to appear on another matter at the date  
7 and time set above.

8 I declare under penalty of perjury that the foregoing is true and correct, except as  
9 to those matters stated upon information and belief, and, as to those matters, I believe them to be  
10 true.

11 Executed this 23<sup>rd</sup> day of SEPTEMBER, 2015, at Bishop, Inyo County,  
12 California.

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Julie A. Weier  
Deputy Probation Officer II

11550(a) HS Misd.  
6/19/13  
12/18/14  
JAW/srs

00123

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF INYO

THE PEOPLE OF THE  
STATE OF CALIFORNIA,  
Plaintiff,

Case No.: MBCRM-13-55077-2  
ORDER FOR REVOCATION

vs.

GERARD BRENNAN HARVEY,  
Defendant. /

Upon consideration of the aforestated Request for Revocation, and GOOD  
CAUSE APPEARING THEREFOR, it is hereby ORDERED that Probation in this matter is  
revoked forthwith.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT  
In and for the County of Inyo

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF INYO

MODIFICATION OF TERMS AND CONDITIONS OF SUMMARY PROBATION

Defendant: GERARD BRENNAN HARVEY

Case number: MBCRM-13-55077-2

Modification Date: October 9, 2013

Original Offense: 11550(a) HS

1. That all previously ordered terms and conditions of probation remain in full force and effect.
2. That the current violation of probation be deemed as STRIKE 1 pursuant to Penal Code Section 1210.
3. That the Defendant be re-referred to the Mono County Department of Health and Human Services, through the Probation Department, for treatment program modification, and tier adjustment, pursuant to Section 1210.1 of the California Penal Code.

I understand that failure to abide by the above-imposed terms and conditions is a violation of my probation and may result in additional criminal proceedings. I understand that I must also abide by terms and conditions of probation that were previously imposed upon me.

10/28/13  
Date

Christa Wilson  
Witness

12/18/2014  
Probation Termination Date

[Signature]  
Defendant's signature

430 E. LIME ST.  
Defendant's address

Bishop CA 93514  
City State Zip

(760) 264-5580 873-1069  
Telephone # Home Work

INYO COUNTY SUPERIOR COURT  
JUDICIAL BRANCH FOR THE STATE OF CALIFORNIA

FILED

DEFENDANT: GERARD BRENNAN HARVEY

NO.: MBCRM-13-55077-2 JUN 19 2013

18 MONTHS PROBATION PC 1210.1 OFFENSE: 11550(a) HS-Misd

LOG NO.: 14480 INYO CO. SUPERIOR COURT  
BY GRIMM GRIMM, CLERK  
DEPUTY

AS STANDARD CONDITIONS, THE DEFENDANT SHALL:

1. Abide by any written or verbal instructions issued by the Probation Officer and follow any plan for psychiatric, medical, or psychological treatment, or any other reasonable program for the purpose of rehabilitation. Sign all documents necessary to implement these terms and conditions.
2. Seek or maintain suitable employment, education, or training and maintain residence to be approved by the Probation Officer.
3. Obey all State and Federal Laws, and all City and County Ordinances, and Rules and Regulations of the Inyo County Jail while incarcerated.
4. Report to the Probation Officer of Inyo County at Independence, California, before the 10th of each month by mail and as otherwise directed by the Probation Officer, and also immediately notify the Inyo County Probation officer of any change of address or employment. Report to the Probation Department within 5 days of sentencing or as otherwise directed by the Probation Officer for orientation; report to the Probation Department within 5 days of release from any incarceration.
5. Not leave the State of California without written permission of the Probation Officer, and should he/she leave this State and it becomes necessary to revoke probation, agree to return to the State of California. Defendant understands that his/her signature on these terms and conditions of probation constitutes his/her agreement to return and a waiver of his/her right to challenge extradition.

AS SPECIAL CONDITIONS, THE DEFENDANT SHALL:

Pay a Court Operations Assessment in the amount of \$ \_\_\_\_\_, pursuant to Section 1465.8 of the California Penal Code; pay a Criminal Conviction Assessment of \$ \_\_\_\_\_, pursuant to Section 70373 of the California Government Code; pay a \$ \_\_\_\_\_ cite and release fee per 1463.07 PC; pay a court collection fee of \$ \_\_\_\_\_. These fees are payable to the court as ordered by the Court.

Pay fees and fines in the sum of \$ \_\_\_\_\_; \$ \_\_\_\_\_ pursuant to 11372.5 H&S; \$ \_\_\_\_\_ pursuant to 11372.7 H&S; \$ \_\_\_\_\_ pursuant to 11350(c), 11377(c), or 11550(d) H&S, payable to the court as ordered by the court.

Totally abstain from the use of alcoholic beverages, not purchase or possess alcoholic beverages, and stay out of places where they are the main item of sale and be subject to a search by any Peace Officer, at any time, with or without a warrant or probable cause, day or night, for any place under his control for the detection of possession of alcoholic beverages, and be subject to any usual and customary physical or chemical test at any time for the detection of alcoholic beverage consumption as directed by any Peace Officer.

Not possess or use any drug unless otherwise approved by the Probation Officer, not possess any device, contrivance, syringe or any instrument for the use of any illegal substance, and be subject to a search by any Peace Officer at any time, with or without a warrant or probable cause, day or night, of his person, automobile, garage, residence, yard, or any other place under his control, and be subject to any usual and customary physical or chemical test at any time, for the detection of illicit or unapproved drug possession or usage and drug paraphernalia at the direction of any Peace Officer. Not associate with anyone convicted of a drug offense or any known drug users without the prior written permission of the Probation Officer, or be in the presence of those using illicit substances.

Not possess or use marijuana even if recommended or prescribed by a licensed physician for medicinal purposes.

Submit to an evaluation by a substance abuse counselor, enroll in and successfully complete a drug treatment program pursuant to Section 1210.1 of the California Penal Code, as directed by the Probation Officer. Provide proof of enrollment, periodic progress reports and proof of completion of drug treatment to the Probation Officer. Attend any 1210.1 PC court review hearings as directed by the Probation Officer.

Pursuant to Section 1202.4(b) of the California Penal Code, a State Restitution Fine is imposed in the amount of \$ \_\_\_\_\_. Pursuant to Section 1202.44 of the California Penal Code, a Probation Revocation Restitution Fine is imposed in the amount of \$ \_\_\_\_\_, to be suspended upon Defendant's successful completion of probation. Fines are payable to the court as ordered by the court.

- As a Civil Judgment, is ordered to pay \$ \_\_\_\_\_ Cost of Probation each month for 12 months, for a total of \$ \_\_\_\_\_; pay \$ \_\_\_\_\_ for Pre-Sentence Investigation and Report (1203.1b); pay \$ \_\_\_\_\_ Cost of Drug Testing each year for 1 1/2 years, for a total of \$ \_\_\_\_\_, all payable to the court as ordered by the court.

I understand that failure to abide by the above imposed terms and conditions is a violation of my probation and may result in additional criminal proceedings. I also acknowledge that I have received a NOTICE TO PROBATIONER, which explains penalties, privileges, and special instructions as they may apply in my case.

TESTED: \_\_\_\_\_

DEFENDANT: Gerard Brennan Harvey

WITNESSED: \_\_\_\_\_

ADDRESS: 430 E. Line St

TERMINATES: 12/18/2014

PHONE: (760) 264-5580

COURT COPY

00126

**Identification:** 88889 GERARD B HARVEY  
**DOB:** 09/13/1961  
**Sex:** M  
**Collected by:** Bryce Donahue  
**Collected:** 09/11/2015 03:53 PM  
**Received:** 09/17/2015 5:21 PM  
**Reported:** 09/22/2015 4:36 PM  
**Test Reason:** Compliance

**Account #:** 128675  
**Requisition #:** 13089343  
**Accession #:** 150917-14001  
**Specimen Type:** Urine

**Client:** Inyo County - Adult Probation  
918 N Main St  
Bishop, CA 93514-2406  
Phone: (760)872-4111

**Final Result Summary**

- Methamphetamine detected by GC/MS (253 ng/mL)
- Specimen is dilute (see Creatinine)

**Tests Ordered**

- 5747 - Ethyl Glucuronide (EtG)
- 5845 - Amphetamines

**Drug Tests**

Drug	Result	Screen		Confirmation	
		Method	Cutoff	Method	Cutoff
<b>Amphetamines</b>					
Amphetamine	Not detected			GC/MS	250 ng/mL
Methamphetamine	DETECTED (253 ng/mL)			GC/MS	250 ng/mL
Methylenedioxyamphetamine (MDA)	Not detected			GC/MS	250 ng/mL
Methylenedioxymethamphetamine (MDMA)	Not detected			GC/MS	250 ng/mL
Methylenedioxyethylamphetamine (MDEA)	Not detected			GC/MS	250 ng/mL
<b>Ethyl Glucuronide</b>					
Ethyl Glucuronide (EtG)	Not detected	LC/MS/MS	100 ng/mL		
<b>Ethyl Sulfate</b>					
Ethyl Sulfate (EtS)	Not detected	LC/MS/MS	25 ng/mL		

**Specimen Validity Tests**

Test	Result	Method	Reference Range
Creatinine	18.8 mg/dL	Colorimetric	≥20 mg/dL

**Comments:**

Analytical testing has been performed in accordance to all Redwood Toxicology Laboratory standard operating procedures and final results have been reviewed by laboratory certifying scientists.

Chief Toxicologist: Wayne Ross, M.C.L.S. / MT(AAB)

**Method Index**

EA - Enzyme Assay	TLC - Thin Layer Chromatography
EIA - Enzyme-Immunoassay	GC-FID - Gas Chromatography - Flame Ionization Detector
ELISA - Enzyme-Linked Immunosorbent Assay	GC/MS - Gas Chromatography / Mass Spectrometry
RIA - Radio-Immunoassay	LC/MS/MS - Liquid Chromatography Tandem Mass Spectrometry

**Specimens are disposed of as follows:** Negatives - after two days; Positives - after three months.

# INYO COUNTY PROBATION DEPARTMENT

## PROBATIONER'S CHEMICAL TEST

LAST NAME <i>HARVEY</i>				FIRST NAME <i>WALTER</i>			MIDDLE NAME <i>B</i>	DOB <i>9/3/61</i>
RACE <i>C</i>	SEX <i>M</i>	HGT <i>5</i>	WGT <i>8</i>	HAIR <i>B</i>	EYES <i>B</i>	DRIV/LIC# <i>A3166585</i>	ST <i>CA</i>	
RESIDENCE ADDRESS <i>930 B. LANE # 3</i>				CITY <i>Bishop</i>			ST <i>CA</i>	ZIP <i>93514</i>
RESIDENCE PHONE		CELL PHONE <i>264-5580</i>		BUSINESS PHONE		TATTOO(S)		
AKA		SSN		CIN		VEHICLE PLATE		

**DO NOT WRITE BELOW THIS LINE: OFFICIAL USE ONLY**

DOA#: <u>S030153</u> EXP: <u>2017/01</u> Sample TAKEN at <u>1553</u> hrs. Test READ at <u>1558</u> hrs.	<b>Lateral flow (Lat Flo) adulterate strip reading</b>  PH <span style="margin-left: 100px;"><input type="checkbox"/> Abnormal</span> <span style="margin-left: 100px;"><input checked="" type="checkbox"/> Normal</span> CREATININE <span style="margin-left: 100px;"><input type="checkbox"/> Abnormal</span> <span style="margin-left: 100px;"><input type="checkbox"/> Normal</span> OXIDANT <span style="margin-left: 100px;"><input type="checkbox"/> Abnormal</span> <span style="margin-left: 100px;"><input type="checkbox"/> Normal</span>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">ASSIGNED DPO</th> <th style="text-align: center;">INTERMS</th> </tr> <tr> <td style="text-align: center;"><i>JW</i></td> <td style="text-align: center;"><i>Both</i></td> </tr> <tr> <td colspan="2"> <input type="checkbox"/> Negative  <input checked="" type="checkbox"/> Positive                             </td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> MOP</td> <td style="text-align: center;"><input type="checkbox"/> AMP</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> OXY</td> <td style="text-align: center;"><input type="checkbox"/> Mamp</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> BZO</td> <td style="text-align: center;"><input type="checkbox"/> COC</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> PCP</td> <td style="text-align: center;"><input checked="" type="checkbox"/> THC</td> </tr> </table>	ASSIGNED DPO	INTERMS	<i>JW</i>	<i>Both</i>	<input type="checkbox"/> Negative <input checked="" type="checkbox"/> Positive		<input type="checkbox"/> MOP	<input type="checkbox"/> AMP	<input type="checkbox"/> OXY	<input type="checkbox"/> Mamp	<input type="checkbox"/> BZO	<input type="checkbox"/> COC	<input type="checkbox"/> PCP	<input checked="" type="checkbox"/> THC
ASSIGNED DPO	INTERMS															
<i>JW</i>	<i>Both</i>															
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<input type="checkbox"/> BZO	<input type="checkbox"/> COC															
<input type="checkbox"/> PCP	<input checked="" type="checkbox"/> THC															

See attached COPY of positive REDWOOD TOXICOLOGY test.

### PROBATIONER'S STATEMENT OF ADMISSION

I, \_\_\_\_\_ make the following statement freely and voluntarily to members of the Inyo County Probation Department, knowing full well all or part of my statement can and will be used against me in Court to determine any possible violations. There has been no force, fear or duress used upon me, or threats or promises made to me for making this statement. I have read and understand the above advisement as indicated by my signature below. I freely admit that I have used a controlled substance on or about \_\_\_\_\_ . The type of drug(s) I used were: \_\_\_\_\_

PROBATIONERS NAME (PRINT)

Bruce Donahue  
REPORTING OFFICER (PRINT)

PROBATIONERS (SIGNATURE)

[Signature]  
REPORTING OFFICER (SIGNATURE)

DATE

9/11/15  
DATE

00128

Print lines for Amp/meth; sendings off

# Probation Officer's Settlement Recommendation

Name: Gerard Harvey

Case #: MBCRM-13-55077-2

**Appearance: Department:**

Grant Probation:  Summary  Formal  1210.1 PC

Reinstatement / Continue Probation

Extend Probation for \_\_\_\_\_ Months, to Terminate on \_\_\_\_\_

Jail of \_\_\_\_\_ days. CONSECUTIVE

Jail of \_\_\_\_\_ days, or Residential Program of no less than \_\_\_\_\_ days  Consecutive to other term

Residential Program as Approved by the Probation Officer  Consecutive to other term

Restitution \$ 50.00

Damage/Loss

Lab Test Fees

Fine of \$ \_\_\_\_\_

Alcohol Prohibition.

Total

Excessive

Drug Test & Search.

Property Search.

Firearm Prohibition & Search.

Counseling:  Substance Abuse  Mental Health  Anger Mgt / Dom Viol  Other: see below

Admit Allegation(s) and Remain as Previously Ordered with no Modifications/Penalties.

1210.1 PC Treatment Level Adjustment

Unamenable

Other: STRIKE 2

PC 1000:  Continue  Extend to

Terminate, for:  1210.1  Formal Probation  Summary Probation  Sentence

Terminate Probation in \_\_\_\_\_

after jail term of \_\_\_\_\_ days at 2 for 2.  after completion of residential program.

after fine payment of \$ \_\_\_\_\_.  no further order/penalty.

Revoke / Deny Probation  with sentence of  prison  jail  fine  other Click here to enter text.

PLEA and REFER; no agreement as to disposition.

**Other Suggestions and Comments:** He took Strike 1 on 10/9/13, On 11/19/14 He admitted both counts in the PVC but did not take Strike 2 on PC 1210. Therefore, this violation will be deemed Strike 2. Probation was already extended through 12/31/15. The AG's office and Bar Association have been made aware of this latest probation violation.

\$50.00 WA fee due by NOV. 1<sup>st</sup>, 15.

Date: September 23, 2015

Officer: Julie A. Williams

ORIGINAL TO DA / COPY TO FILE & PD

00129

This document to which this certificate is attached,  
is a full, true and correct copy of the original on  
file and of record in the Office of Probation.



Attest November 3, 2015

By MAK

Michael Angelo Kanterakis  
State Bar of California, Office of Probation  
Los Angeles, California

Law Office of  
Victoria L. Campbell  
314 West Line Street, Ste. H  
P.O. Box 1413  
Bishop, CA 93515  
(760) 873-7070  
Fax: (760) 873-8080  
email: [victoria@sierralaw.com](mailto:victoria@sierralaw.com)

**FAX COVER SHEET**

TO: Michael Kanterakis  
FAX NO.: (213) 765-1439  
FROM: Victoria Campbell  
TEL. NO.: (760) 873-7070  
DATE: 10/9/2015  
RE: Gerard B. Harvey; State Bar Court Case No. 13-C-11781/Supreme Court Case No. S220720  
NO. PAGES: 8 (including cover sheet)  
MESSAGE: We are forwarding herewith a copy of Mr. Harvey's Quarterly Report dated today's date.

**IF YOU DO NOT RECEIVE ALL PAGES. PLEASE CALL THE SENDER AS SOON AS POSSIBLE.** This facsimile contains confidential information, which may also be privileged. Unless you are the addressee named above (or authorized to receive for the addressee), you may not copy, use, or distribute it. If you have received it in error, please advise above office immediately by telephone or facsimile transmission.

00131

<p>IN THE MATTER OF Gerard Brennan Harvey</p> <p>CASE NO(s): S220720</p> <p>Probation</p>	<p>(For Office of Probation Use Only)</p> <p><b>COMPLIANT</b></p> <p>OCT 09 2015 <i>WALZ</i></p> <p>Office of Probation</p>
---	---

**QUARTERLY REPORT**

**First Report Due: January 10, 2015**  
(for period November 21, 2014 through December 31, 2014)

**Final Report Due: November 21, 2016**  
(for period October 1, 2016 through November 21, 2016)

Due:  **January 10, 20\_\_**  
(for period 10/1 through 12/31)

**April 10, 20\_\_**  
(for period 01/01 through 3/31)

**July 10, 20\_\_**  
(for period 4/1 through 6/30)

**October 10, 2015**  
(for period 7/1 through 9/30)

*Make sufficient copies of this form for future use and mail reports to State Bar of California, Attn: Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515.*

*Place an "X" before each of the statements below that applies to you:*

**Compliance with State Bar Act and Rules; and Report on SBC Proceedings**

During the reporting period noted above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation; and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

Or

During the reporting period above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation **EXCEPT** (please list specific violations or exceptions - - do NOT list pending proceedings in this space):

I was advised by Inyo County Probation that I gave a positive urinalysis for meth. The violation is still pending and unresolved and the next appearance is 10/19/15.

(attach declaration under penalty of perjury if more space is needed); and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

00132

### Current Address

- Within 10 days of any change, I reported to the Membership Records Office and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information including current name, office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code

### Suspension

- I did not practice law at any time during the reporting period noted above or applicable portion thereof during which I was suspended pursuant to the Supreme Court order in this case.

### State Bar Ethics School

- I have registered for the State Bar Ethics School course given on 10/22/15
- I have completed the State Bar Ethics School course given on \_\_\_\_\_.  
A copy of my certificate of completion is attached if not previously submitted.

### Conditions of Probation/Parole in Underlying Criminal Matter

- I have complied with the conditions of probation/parole imposed upon me in the underlying criminal matter during the reporting period noted above or portion thereof.
- During the reporting period noted above or portion thereof, my criminal probation was modified, terminated or expired and attached hereto is a statement of the facts or copy of the document(s) effectuating said change.

### Multi-State Professional Responsibility Examination

- I have registered for the MPRE given on Nov 7, 2015
- I have taken the MPRE given on \_\_\_\_\_ and am awaiting the results.
- I passed the MPRE given on \_\_\_\_\_ A copy of my results is attached if not previously submitted.
- I did not pass the MPRE given on \_\_\_\_\_ and have re-scheduled to take the examination given on \_\_\_\_\_.

00133

### Mental Health Report

I have attached to this report a statement from my treating psychiatrist, psychologist, or clinical social worker confirming that I have received help/treatment at least 1 time(s) per month during the reporting period noted above or portion thereof.

### Alcohol/Drug Abstinence

During the reporting period noted above or portion thereof, I have abstained from use of any alcoholic beverages and have not used or possessed any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription. *Please see page 1 of quarterly report.*

### Meetings Attendance

During the reporting period noted above or portion thereof, I have attended at least 4 meetings per month of Alcoholics Anonymous, Narcotics Anonymous, The Other Bar, or other required program. I have provided to the Office of Probation the required proof of attendance during each month on or before the tenth (10th) day of the following month under separate cover.

I declare under penalty of perjury under the laws of the State of California that all of the information provided in this report is true and accurate.

Date: 10/9/15  
(Date of actual signature)

Signature:   
Gerard Brennan Harvey  
(Please sign in blue ink)

00134



**Sierra Park Family Medicine/Behavioral Health  
85 Sierra Park Road**

**Mammoth Lakes, CA, 93546  
(760) 934-2551**

**MRN  
196453**

**Encounter Date  
09/03/2015**

**Patient Information  
Gerard Harvey  
430 E Line St #3  
PO Box 1701  
Bishop, CA 93515  
Age 53  
DOB - 09/13/1961  
(H) (760) 264-5580**

**COMPLIANT**

**OCT 09 2015**

**Office of Probation**

**To Whom It May Concern:**

**Mr. Gerard Harvey has been attending appointments with me on a monthly basis from April 2015 to present. He intends to continue monthly follow-up appointments with me, in compliance with his State Bar Probation, and beyond as recommended by me.**

**Please do not hesitate to contact me if you require additional information.**

**Sincerely,**

**Murat Z. Akalin MD MPH**

**Electronically signed by: Murat Akalin M.D., M.P.H. Sep 3 2015 10:23AM PST Author**

**AMENDMENTS:**

**1. Note: Mr. Gerard Harvey's name was misspelled above. This is the correct spelling.**

**Electronically signed by: Murat Akalin M.D., M.P.H. Sep 3 2015 10:36AM PST**



AA and/or N/A  
**ATTENDANCE VERIFICATION AND DECLARATION**  
*4 times per month; commencing December 2014 for one year*  
**Proof of Attendance to the Office of Probation with each Quarterly Report**

NAME: Gerard Brennan Harvey

MONTH OF: Aug 2015

DATE	GROUP NAME	CITY	SIGNATURE OF SECRETARY OR CHAIRPERSON
8/1/15	Bushy AA	Bing	HH
8/5/15	Men's Story		tiny
8/15/15	73mg AA		HH
8/19/15	<b>NOT COMPLIANT</b>		tiny
	Timely (AAK)		
	OCT 09 2015 (AAK)		
<input checked="" type="checkbox"/> Reporting Period Clear <input type="checkbox"/> Reporting Period Unclear <input type="checkbox"/> Compliance Unclear <input type="checkbox"/> Incorrectly dated <input type="checkbox"/> Other			
Office of Probation			

- I have complied with all terms of my probation.
- I have not consumed any alcohol, nor used or possessed any narcotics, dangerous or restricted drugs, controlled substances, marijuana or associated paraphernalia, except with a valid prescription.

COMMENTS: \_\_\_\_\_

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND ACCURATE.**

SIGNED: [Signature] DATE: 9/1/15

00137

AA and/or N/A  
**ATTENDANCE VERIFICATION AND DECLARATION**  
*4 times per month; commencing December 2014 for one year*  
*Proof of Attendance to the Office of Probation with each Quarterly Report*

NAME: Gerard Brennan Harvey

MONTH OF: Sept 2015

DATE	GROUP NAME	CITY	SIGNATURE OF SECRETARY OR CHAIRPERSON
9/5/15	Bishop AA	Bishop	HH
9/19/15	Men's Step		HH
9/19/15	Bishop AA		HH
9/23/15	Men's Step		HH
<b>COMPLIANT</b>			
OCT 09 2015 <i>HH</i>			
Office of Probation			

- I have complied with all terms of my probation.
- I have not consumed any alcohol, nor used or possessed any narcotics, dangerous or restricted drugs, controlled substances, marijuana or associated paraphernalia, except with a valid prescription.

**COMMENTS:** This unsigned declaration is submitted pending resolution of alleged violation of probation in Inyo County.  
~~This constitutes a reservation of rights under the U.S. Const. 5th Amendment, and 14th Amendment, and Cal Const. art 1, §15, and Cal. Evid. Code §940.~~

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND ACCURATE.**

SIGNED: \_\_\_\_\_ DATE: 10/9/15

00138

This document to which this certificate is attached,  
is a full, true and correct copy of the original on  
file and of record in the Office of Probation.



Attest November 3, 2015

By 

Michael Angelo Kanterakis  
State Bar of California, Office of Probation  
Los Angeles, California

**Kanterakis, Michael**

---

**From:** Julie Weier <jweier@inyocounty.us>  
**Sent:** Wednesday, October 14, 2015 8:54 AM  
**To:** Laura Baggett; Kanterakis, Michael  
**Subject:** FW: Scanned Image  
**Attachments:** 1032\_001.pdf

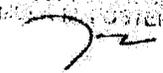
Amended PVC attached

**From:** [noreply@inyocounty.us](mailto:noreply@inyocounty.us) [<mailto:noreply@inyocounty.us>]  
**Sent:** Wednesday, October 14, 2015 8:53 AM  
**To:** Julie Weier  
**Subject:** Scanned Image

169

FILED

OCT 13 2015

INYO CO. SUPERIOR COURT  
JAMES R. FOSTER, CLERK  
BY 

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF INYO

THE PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,  
  
vs.  
  
GERARD BRENNAN HARVEY,  
Defendant.

Case No.: MBCRM-13-55077-2  
1<sup>ST</sup> AMENDED  
PROBATION VIOLATION COMPLAINT;  
REQUEST FOR REVOCATION AND  
HEARING  
  
Court date: Monday October 19, 2015  
  
Time: 1:00 p.m.

The undersigned, the Deputy Probation Officer for the County of Inyo, is informed and believes, and on such information and belief, complains and accuses the above-named Defendant, GERARD BRENNAN HARVEY, of violating terms and conditions of Formal Probation granted to said Defendant by this Court for a term of EIGHTEEN (18) months on JUNE 19, 2013, and MODIFIED on OCTOBER 9, 2013, as follows:

COUNT I

The Defendant has failed to comply with terms and conditions No. 9 of his probation by willfully admitting using a drug not approved by the Probation Officer, to wit: METHAMPHETAMINE. This violation occurred on or about *SEPTEMBER 11, 2015*.

///  
///  
///

11550(a) HS Misd.  
6/19/13  
12/18/14  
JAW/srs

00141

COUNT II

The Defendant has failed to comply with terms and conditions No. 9 of his probation by willfully admitting using a drug not approved by the Probation Officer, to wit: THC. This violation occurred on or about *OCTOBER 2, 2015*.

A copy of Defendant's terms and conditions of probation is attached hereto and made a part thereof.

THEREFORE, it is respectfully requested that the Court find the Defendant, GERARD BRENNAN HARVEY, in violation of his probation as hereinabove alleged, and order that the Defendant's probation be revoked to retain jurisdiction.

The Defendant has already been scheduled to appear on another matter at the date and time set above.

I declare under penalty of perjury that the foregoing is true and correct, except as to those matters stated upon information and belief, and, as to those matters, I believe them to be true.

Executed this 12<sup>th</sup> day of OCTOBER, 2015, at Bishop, Inyo County, California.

  
Julie A. Weier  
Deputy Probation Officer II

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF INYO

THE PEOPLE OF THE  
STATE OF CALIFORNIA,  
Plaintiff,

Case No.: MBCRM-13-55077-2  
ORDER FOR REVOCATION

vs.

GERARD BRENNAN HARVEY,  
Defendant. /

Upon consideration of the aforestated Request for Revocation, and GOOD  
CAUSE APPEARING THEREFOR, it is hereby **ORDERED** that Probation in this matter is  
revoked forthwith.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT  
In and for the County of Inyo

11550(a) HS Misd.  
6/19/13  
12/18/14  
JAW/srs

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF INYO

MODIFICATION OF TERMS AND CONDITIONS OF SUMMARY PROBATION

Defendant: GERARD BRENNAN HARVEY  
Case number: MBCRM-13-55077-2  
Modification Date: October 9, 2013  
Original Offense: 11550(a) HS

1. That all previously ordered terms and conditions of probation remain in full force and effect.
2. That the current violation of probation be deemed as STRIKE 1 pursuant to Penal Code Section 1210.
3. That the Defendant be re-referred to the Mono County Department of Health and Human Services, through the Probation Department, for treatment program modification, and tier adjustment, pursuant to Section 1210.1 of the California Penal Code.

I understand that failure to abide by the above-imposed terms and conditions is a violation of my probation and may result in additional criminal proceedings. I understand that I must also abide by terms and conditions of probation that were previously imposed upon me.

10/28/13  
Date

Curtis Hill  
Witness

12/18/2014  
Probation Termination Date

[Signature]  
Defendant's signature

436 E. 47th St.  
Defendant's address

Bishop CA 93514  
City State Zip

(760) 264-5580 873-1064  
Telephone # Home Work

INYO COUNTY SUPERIOR COURT  
AND FOR THE STATE OF CALIFORNIA

FILED

DEFENDANT: GERARD BRENNAN HARVEY

NO.: MBCRM-13-55077-2 JUN 19 2013

18 MONTHS PROBATION PC 1210.1 OFFENSE: 11550(a) HS-Misd

LOG NO.: 14480  
BY JWITTS  
INYO CO. SUPERIOR COURT  
GRIMM, CLERK  
DEPUTY

AS STANDARD CONDITIONS, THE DEFENDANT SHALL:

1. Abide by any written or verbal instructions issued by the Probation Officer and follow any plan for psychiatric, medical, or psychological treatment, or any other reasonable program for the purpose of rehabilitation. Sign all documents necessary to implement these terms and conditions.
2. Seek or maintain suitable employment, education, or training and maintain residence to be approved by the Probation Officer.
3. Obey all State and Federal Laws, and all City and County Ordinances, and Rules and Regulations of the Inyo County Jail while incarcerated.
4. Report to the Probation Officer of Inyo County at Independence, California, before the 10th of each month by mail and as otherwise directed by the Probation Officer, and also immediately notify the Inyo County Probation officer of any change of address or employment. Report to the Probation Department within 5 days of sentencing or as otherwise directed by the Probation Officer for orientation; report to the Probation Department within 5 days of release from an incarceration.
5. Not leave the State of California without written permission of the Probation Officer, and should he/she leave this State and it becomes necessary to revoke probation, agree to return to the State of California. Defendant understands that his/her signature on these terms and conditions of probation constitute his/her agreement to return and a waiver of his/her right to challenge extradition.

AS SPECIAL CONDITIONS, THE DEFENDANT SHALL:

6. Pay a Court Operations Assessment in the amount of \$ \_\_\_\_\_, pursuant to Section 1465.8 of the California Penal Code; pay a Criminal Conviction Assessment of \$ \_\_\_\_\_, pursuant to Section 70373 of the California Government Code; pay a \$ \_\_\_\_\_ cite and release fee per 1463.07 PC; pay a court collection fee of \$ \_\_\_\_\_. These fees are payable to the court as ordered by the Court.
7. Pay fees and fines in the sum of \$ \_\_\_\_\_; \$ \_\_\_\_\_ pursuant to 11372.5 H&S; \$ \_\_\_\_\_ pursuant to 11372.7 H&S; \$ \_\_\_\_\_ pursuant to 11350(c), 11377(c), or 11550(d) H&S, payable to the court as ordered by the court.
8. Totally abstain from the use of alcoholic beverages, not purchase or possess alcoholic beverages, and stay out of places where they are the main item of sale and be subject to a search by any Peace Officer, at any time, with or without a warrant or probable cause, day or night, for any place under his control for the detection of possession of alcoholic beverages, and be subject to any usual and customary physical or chemical test at any time for the detection of alcoholic beverage consumption as directed by any Peace Officer.
9. Not possess or use any drug unless otherwise approved by the Probation Officer, not possess any device, contrivance, syringe or any instrument for the use of any illegal substance, and be subject to a search by any Peace Officer at any time, with or without a warrant or probable cause, day or night, of his person, automobile, garage, residence, yard, or any other place under his control, and be subject to any usual and customary physical or chemical test at any time, for the detection of illicit or unapproved drug possession or usage and drug paraphernalia at the direction of any Peace Officer. Not associate with anyone convicted of a drug offense or any known drug users without the prior written permission of the Probation Officer, or be in the presence of those using illicit substances.
10. Not possess or use marijuana even if recommended or prescribed by a licensed physician for medicinal purposes.
11. Submit to an evaluation by a substance abuse counselor, enroll in and successfully complete a drug treatment program pursuant to Section 1210.1 of the California Penal Code, as directed by the Probation Officer. Provide proof of enrollment, periodic progress reports and proof of completion of drug treatment to the Probation Officer. Attend any 1210.1 PC court review hearings as directed by the Probation Officer.
12. Pursuant to Section 1202.4(b) of the California Penal Code, a State Restitution Fine is imposed in the amount of \$ \_\_\_\_\_. Pursuant to 1202.44 of the California Penal Code, a Probation Revocation Restitution Fine is imposed in the amount of \$ \_\_\_\_\_, to be suspended upon Defendant's successful completion of probation. Fines are payable to the court as ordered by the court.
- X) As a Civil Judgment, is ordered to pay \$ \_\_\_\_\_ Cost of Probation each month for 12 months, for a total of \$ \_\_\_\_\_; pay \$ \_\_\_\_\_ for Pre-Sentence Investigation and Report (1203.1b); pay \$ \_\_\_\_\_ Cost of Drug Testing each year for 1 1/2 years, for a total of \$ \_\_\_\_\_, all payable to the court as ordered by the court.

understand that failure to abide by the above imposed terms and conditions is a violation of my probation and may result in additional criminal proceedings. I also acknowledge that I have received a NOTICE TO PROBATIONER, which explains penalties, privileges, and special instructions as they may apply in my case.

DATED: \_\_\_\_\_

DEFENDANT: [Signature]

WITNESS: \_\_\_\_\_

ADDRESS: 430 E. Line St

TERMINATES: 12/18/2014

PHONE: (760) 264-5580

COURT COPY

00145

**Identification:** 88889 GERARD B HARVEY

**DOB:** 09/13/1961

**Sex:** M

**Collected by:** Bryce Donahue

**Collected:** 09/11/2015 03:53 PM

**Received:** 09/17/2015 5:21 PM

**Reported:** 09/22/2015 4:36 PM

**Test Reason:** Compliance

**Account #:** 128675

**Requisition #:** 13089343

**Accession #:** 150917-14001

**Specimen Type:** Urine

**Client:** Inyo County - Adult Probation

918 N Main St

Bishop, CA 93514-2406

Phone: (760)872-4111

**Final Result Summary**

- Methamphetamine detected by GC/MS (253 ng/mL)
- Specimen is dilute (see Creatinine)

**Tests Ordered**

- 5747 - Ethyl Glucuronide (EtG)
- 5845 - Amphetamines

**Drug Tests**

Drug	Result	Screen		Confirmation	
		Method	Cutoff	Method	Cutoff
<b>Amphetamines</b>					
Amphetamine	Not detected			GC/MS	250 ng/mL
Methamphetamine	DETECTED (253 ng/mL)			GC/MS	250 ng/mL
Methylenedioxyamphetamine (MDA)	Not detected			GC/MS	250 ng/mL
Methylenedioxymethamphetamine (MDMA)	Not detected			GC/MS	250 ng/mL
Methylenedioxyethylamphetamine (MDEA)	Not detected			GC/MS	250 ng/mL
<b>Ethyl Glucuronide</b>					
Ethyl Glucuronide (EtG)	Not detected	LC/MS/MS	100 ng/mL		
<b>Ethyl Sulfate</b>					
Ethyl Sulfate (EIS)	Not detected	LC/MS/MS	25 ng/mL		

**Specimen Validity Tests**

Test	Result	Method	Reference Range
Creatinine	18.8 mg/dL	Colorimetric	≥20 mg/dL

**Comments:**

Analytical testing has been performed in accordance to all Redwood Toxicology Laboratory standard operating procedures and final results have been reviewed by laboratory certifying scientists.

Chief Toxicologist: Wayne Ross, M.C.L.S. / MT(AAB)

**Method Index**

EA - Enzyme Assay

EIA - Enzyme-Immunoassay

ELISA - Enzyme-Linked Immunosorbent Assay

RIA - Radio-Immunoassay

TLC - Thin Layer Chromatography

GC-FID - Gas Chromatography - Flame Ionization Detector

GC/MS - Gas Chromatography / Mass Spectrometry

LC/MS/MS - Liquid Chromatography Tandem Mass Spectrometry

**Specimens are disposed of as follows:** Negatives - after two days; Positives - after three months.

00146

# INYO COUNTY PROBATION DEPARTMENT

## PROBATIONER'S CHEMICAL TEST

LAST NAME <i>HARVEY</i>			FIRST NAME <i>BRUCE</i>			MIDDLE NAME <i>B</i>	DOB <i>9/3/61</i>
RACE <i>C</i>	SEX <i>M</i>	HGT <i>5</i>	WGT <i>8</i>	HAIR <i>B</i>	EYES <i>B</i>	DRIVER LIC # <i>A3166585</i>	ST <i>CA</i>
RESIDENCE ADDRESS <i>930 B. LANE # 3</i>				CITY <i>Bishop</i>		ST <i>CA</i>	ZIP <i>93514</i>
RESIDENCE PHONE #		CELL PHONE <i>761-5580</i>		BUSINESS PHONE #		LAT (OO'S)	
AKA		SSN		CITY		VEHICLE/PLATE	

**DO NOT WRITE BELOW THIS LINE: OFFICIAL USE ONLY**

DOA#: <u>5030153</u> EXP: <u>2017/01</u> Sample TAKEN at <u>1553</u> hrs. Test READ at <u>1558</u> hrs.	<b>Lateral flow (Lat Flo) adulterate strip reading</b>  PH <input type="checkbox"/> Abnormal <input checked="" type="checkbox"/> Normal CREATININE <input type="checkbox"/> Abnormal <input checked="" type="checkbox"/> Normal OXIDANT <input type="checkbox"/> Abnormal <input checked="" type="checkbox"/> Normal	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>ASSIGNED DPO</th> <th>TERMS</th> </tr> <tr> <td style="text-align: center;"><i>JW</i></td> <td style="text-align: center;"><i>Both</i></td> </tr> <tr> <td colspan="2"> <input type="checkbox"/> Negative  <input checked="" type="checkbox"/> Positive  <input type="checkbox"/> MOP    <input type="checkbox"/> AMP  <input type="checkbox"/> OXY    <input type="checkbox"/> Mamp  <input type="checkbox"/> BZO    <input type="checkbox"/> COC  <input type="checkbox"/> PCP    <input checked="" type="checkbox"/> THC         </td> </tr> </table>	ASSIGNED DPO	TERMS	<i>JW</i>	<i>Both</i>	<input type="checkbox"/> Negative <input checked="" type="checkbox"/> Positive <input type="checkbox"/> MOP <input type="checkbox"/> AMP <input type="checkbox"/> OXY <input type="checkbox"/> Mamp <input type="checkbox"/> BZO <input type="checkbox"/> COC <input type="checkbox"/> PCP <input checked="" type="checkbox"/> THC	
ASSIGNED DPO	TERMS							
<i>JW</i>	<i>Both</i>							
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\*Faint lines for Amp/meth; sendings off

See attached COPY of positive REDWOOD TOXICOLOGY test.

### PROBATIONER'S STATEMENT OF ADMISSION

I, \_\_\_\_\_ make the following statement freely and voluntarily to members of the Inyo County Probation Department, knowing full well all or part of my statement can and will be used against me in Court to determine any possible violations. There has been no force, fear or duress used upon me, or threats or promises made to me for making this statement. I have read and understand the above advisement as indicated by my signature below. I freely admit that I have used a controlled substance on or about \_\_\_\_\_ . The type of drug(s) I used were: \_\_\_\_\_

PROBATIONERS NAME (PRINT)  
Bruce Donahue  
 REPORTING OFFICER (PRINT)

PROBATIONERS (SIGNATURE)  
  
 REPORTING OFFICER (SIGNATURE)

DATE  
9/11/15  
 DATE

**Identification:** 88889 GERARD B HARVEY  
**DOB:** 09/13/1961  
**Sex:** M  
**Collected by:** Lars Erickson  
**Collected:** 10/02/2015 08:36 AM  
**Received:** 10/06/2015 5:14 PM  
**Reported:** 10/09/2015 5:17 PM  
**Test Reason:** Compliance

**Account #:** 128675  
**Requisition #:** 13156399  
**Accession #:** 151006-15337  
**Specimen Type:** Urine

**Client:** Inyo County - Adult Probation  
918 N Main St  
Bishop, CA 93514-2406  
Phone: (760)872-4111

**Final Result Summary**

- THC-COOH (Marijuana) detected by LC/MS/MS (471 ng/mL)
- THC-COOH/Creatinine Ratio: 305 ng THC-COOH/mg Creat  
Normalized THC-COOH value for comparison purposes only.

**Tests Ordered**

- 050 - Ethyl Glucuronide (EtG)
- 5472 - THC-COOH (Marijuana)  
LC/MS/MS Confirmation

**Drug Tests**

Drug	Result	Screen		Confirmation	
		Method	Cutoff	Method	Cutoff
Ethyl Glucuronide (EtG)	Not detected	EIA	100 ng/mL		
THC (Marijuana)					
THC-COOH (Marijuana)	DETECTED (471 ng/mL)			LC/MS/MS	5 ng/mL
THC-COOH/Creatinine Ratio	305 ng THC-COOH/mg Creat			Calculated	

**Comments:**

Analytical testing has been performed in accordance to all Redwood Toxicology Laboratory standard operating procedures and final results have been reviewed by laboratory certifying scientists.

Chief Toxicologist: Wayne Ross, M.C.L.S. / MT(AAB)

**Method Index**

EA - Enzyme Assay

EIA - Enzyme-Immunoassay

ELISA - Enzyme-Linked Immunosorbent Assay

RIA - Radio-Immunoassay

TLC - Thin Layer Chromatography

GC-FID - Gas Chromatography - Flame Ionization Detector

GC/MS - Gas Chromatography / Mass Spectrometry

LC/MS/MS - Liquid Chromatography Tandem Mass Spectrometry

**Specimens are disposed of as follows:** Negatives - after two days; Positives - after three months.

00148

# INYO COUNTY PROBATION DEPARTMENT

## PROBATIONER'S CHEMICAL TEST

LAST NAME <b>Harvey</b>				FIRST NAME <b>Gerard</b>				MIDDLE NAME <b>B</b>		DOB <b>9.13.61</b>
RACE <b>C</b>	SEX <b>M</b>	HGT <b>5'8</b>	WGT <b>190</b>	HAIR <b>BRN</b>	EYES <b>BRN</b>					
RESIDENCE ADDRESS <b>430 E. Line #3</b>						CITY <b>Bishop</b>		STATE <b>CA</b>	ZIP <b>93514</b>	
RESIDENCE PHONE <b>264-5580</b>			CELL PHONE		BUSINESS PHONE		TATTOO(S)			
AKA			DOB		VEHICLE/PLATE					

**DO NOT WRITE BELOW THIS LINE: OFFICIAL USE ONLY**

		ASSIGNED DPO <b>JW</b>	TERMS <b>Both</b>
LOT#: <b>DA5020414</b> EXP: <b>11-2016</b> Sample TAKEN at <b>0829</b> hrs. Test READ at <b>0832</b> hrs.	<b>Lateral flow (Lat Flo) adulterate strip reading</b>  PH <input type="checkbox"/> Abnormal <input type="checkbox"/> Normal CREATININE <input type="checkbox"/> Abnormal <input type="checkbox"/> Normal OXIDANT <input type="checkbox"/> Abnormal <input type="checkbox"/> Normal	<input type="checkbox"/> Negative <input checked="" type="checkbox"/> Positive <input type="checkbox"/> MOP <input type="checkbox"/> AMP <input type="checkbox"/> OXY <input type="checkbox"/> Mamp <input type="checkbox"/> BZO <input type="checkbox"/> COC <input type="checkbox"/> PCP <input checked="" type="checkbox"/> THC	

See attached COPY of positive REDWOOD TOXICOLOGY test.

### PROBATIONER'S STATEMENT OF ADMISSION

I, \_\_\_\_\_ make the following statement freely and voluntarily to members of the Inyo County Probation Department, knowing full well all or part of my statement can and will be used against me in Court to determine any possible violations. There has been no force, fear or duress used upon me, or threats or promises made to me for making this statement. I have read and understand the above advisement as indicated by my signature below. I freely admit that I have used a controlled substance on or about \_\_\_\_\_ The type of drug(s) I used were: \_\_\_\_\_

PROBATIONERS NAME (PRINT)

PROBATIONERS (SIGNATURE)

DATE

**LARS ERICKSON**  
REPORTING OFFICER (PRINT)

*[Signature]*  
REPORTING OFFICER (SIGNATURE)

**10-2-15**  
DATE

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Attest November 3, 2015

By *MAK*

Michael Angelo Kanterakis  
State Bar of California, Office of Probation  
Los Angeles, California



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Name:	KENT, JANELLE GAYE
License Type:	Professional Clinical Counselor Intern
License Status:	License Renewed & Current
Expiration Date:	04/30/2016
Original Issuance Date:	04/30/2014

#### Addresses

Address of Record	Address	55 Waford Rd BISHOP , CA INYO 93514-7079 United States <a href="#">View on a map</a>
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#### Public Record Actions

Administrative Disciplinary Actions	None found
Court Order	None found
Misdemeanor Conviction	None found
Felony Conviction	None found
Malpractice Judgment	None found
License Issued with Public Letter of Reprimand	None found
Administrative Citation Issued	None found
Administrative Action Taken by Other State or Federal Government	None found
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Attest November 23, 2015

By M.A. Kanterakis  
Michael Angelo Kanterakis  
State Bar of California, Office of Probation  
Los Angeles, California

**Kanterakis, Michael**

---

**From:** Kanterakis, Michael  
**Sent:** Monday, November 23, 2015 9:56 AM  
**To:** 'murat.akalin@mammothhospital.com'  
**Subject:** Gerard B. Harvey - State Bar of California - Office of Probation

Dr. Akalin,

Mr. Harvey submitted to my office your letter dated September 3, 2015 regarding his progress. Could you please confirm the dates of his appointments with you. Thank you. If you have any questions or would like a copy of the waiver Mr. Harvey signed for the Office of Probation, please reply to this e-mail.

--  
Michael Angelo Kanterakis | Probation Deputy  
The State Bar of California | 845 S. Figueroa St. | Los Angeles, CA 90017  
213.765.1410 | [michael.kanterakis@calbar.ca.gov](mailto:michael.kanterakis@calbar.ca.gov)

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**Kanterakis, Michael**

---

**From:** Microsoft Outlook  
**To:** 'murat.akalin@mammothhospital.com'  
**Sent:** Monday, November 23, 2015 9:56 AM  
**Subject:** Relayed: Gerard B. Harvey - State Bar of California - Office of Probation

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'murat.akalin@mammothhospital.com' ([murat.akalin@mammothhospital.com](mailto:murat.akalin@mammothhospital.com))  
<<mailto:murat.akalin@mammothhospital.com>>

Subject: Gerard B. Harvey - State Bar of California - Office of Probation

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Attest January 12, 2016

By M.A. Kanterakis

Michael Angelo Kanterakis  
State Bar of California, Office of Probation  
Los Angeles, California

## Kanterakis, Michael

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**From:** Kanterakis, Michael  
**Sent:** Tuesday, January 12, 2016 1:52 PM  
**To:** 'murat.akalin@mammothhospital.com'  
**Subject:** RE: Gerard B. Harvey - State Bar of California - Office of Probation

Dr. Akalin,

I would like to follow up with my original request regarding the dates of Mr. Harvey's appointments with you. Your response is greatly appreciated.

--  
Michael Angelo Kanterakis | Probation Deputy  
The State Bar of California | 845 S. Figueroa St. | Los Angeles, CA 90017  
213.765.1410 | [michael.kanterakis@calbar.ca.gov](mailto:michael.kanterakis@calbar.ca.gov)

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--  
Michael Angelo Kanterakis | Probation Deputy  
The State Bar of California | 845 S. Figueroa St. | Los Angeles, CA 90017  
213.765.1410 | [michael.kanterakis@calbar.ca.gov](mailto:michael.kanterakis@calbar.ca.gov)

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**Kanterakis, Michael**

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Attest January 12, 2016

By M. A. Kanterakis

Michael Angelo Kanterakis  
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Los Angeles, California

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