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BEFORE THE BOARD OF PROFESSIONAL CONDUCT
OF
THE SUPREME COURT OF OHIO

JUL 06 2015

In re:

BOARD OF PROFESSIONAL CONDUCT

Complaint against

Gary N. Bakst
Attorney Registration No. 0011142
5169 Landsdowne Drive
Solon, OH 44139-1228

No. 15 - 044

Respondent,

COMPLAINT AND CERTIFICATE

Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411

(Rule V of the Supreme Court Rules for
the Government of the Bar of Ohio.)

FILED

Relator.

JUL 07 2015

BOARD OF PROFESSIONAL CONDUCT

Now comes the relator and alleges that Gary Nieland Bakst, an attorney-at-law duly admitted to the practice of law in the state of Ohio, is guilty of the following misconduct:

1. Respondent, Gary Nieland Bakst, was admitted to the practice of law in the state of Ohio on November 15, 1982. Respondent is subject to the Code of Professional Responsibility, the Rules of Professional Conduct and the Rules for the Government of the Bar of Ohio.
2. In addition to being licensed to practice law, respondent has been a licensed pharmacist in the state of Ohio since August 9, 1978.
3. On or about October 10, 2014, respondent was indicted by a six-count Information in the Cuyahoga County Court of Common Pleas and charged with committing Identity Fraud in violation of RC 2913.49(B)(2), a third-degree felony, Forgery in violation of RC 2913.31(A)(2), a fourth-degree felony, four counts of Tampering with Records in

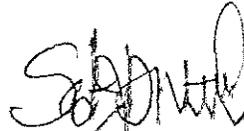
violation of RC 2913.42(A)(1), a third-degree felony, and Grand Theft in violation of RC 2913.02(A)(3), a fourth-degree felony. *State of Ohio v. Gary N. Bakst*, Case No. CR-14-589784-A.

4. The information arose out of respondent's illegal use of Attorney Paul J. Silver's identity and personal identifying information in several guardianships in order to obtain duplicitous and improper fees while serving as both the attorney and guardian for the matters.
5. Cuyahoga County Local Probate Rule 71.3 (B)(2) provides that "[t]he attorney/guardian may seek guardian's compensation pursuant to Local Rule 73.1 or attorney fees in accordance with this section but not both."
6. Believing he was entitled to both fees, respondent, while acting as both guardian and attorney in several guardianships, prepared and filed an application for attorney fees in the name of Silver, without Silver's knowledge or approval, and in an effort to mislead the probate court. Respondent did this in four separate guardianships over approximately three years.
7. On December 2, 2014, respondent pleaded guilty to Identify Fraud as charged in Count I of the Information and Tampering with Records as charged in Count 3 of the Information. The remaining counts were nolleed.
8. Judge Pamela A. Barker sentenced respondent on March 11, 2015, ordering that respondent be incarcerated for 9 months, serve post-release control supervision of up to three years following his release from prison, and pay a fine totaling \$5,000.
9. Respondent began serving his prison sentence on April 6, 2015 and is currently incarcerated.

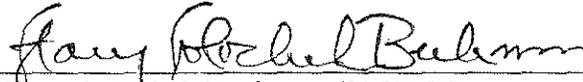
10. Pursuant to Gov. Bar R. V (18)(A)(1)(a), on April 21, 2015, the Supreme Court of Ohio suspended respondent from the practice of law for an interim period. *In re: Gary Nieland Bakst*. Case No. 2015-0609.
11. Respondent's conduct violated the Ohio Rules of Professional Conduct, specifically, Rule 8.4(b) [it is professional misconduct for a lawyer to commit an illegal act that reflects adversely on the lawyer's honesty or trustworthiness]; Rule 8.4(c) [it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation]; and, Rule 8.4(d) [it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice].

CONCLUSION

Wherefore, pursuant to Gov. Bar R. V, the Code of Professional Responsibility and the Rules of Professional Conduct, relator alleges that respondent is chargeable with misconduct; therefore, relator requests that respondent be disciplined pursuant to Rule V of the Rules of the Government of the Bar of Ohio.



Scott J. Drexel (0091467)
Disciplinary Counsel
Relator

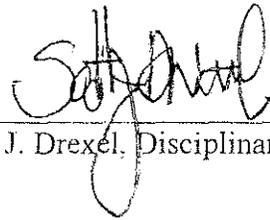


Stacy Soloheh Beckman (0063306)
Assistant Disciplinary Counsel
Office of Disciplinary Counsel of
The Supreme Court of Ohio
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411
Telephone (614) 461-0256
Facsimile (614) 461-7205
scott.drexel@sc.ohio.gov
stacy.beckman@sc.ohio.gov
Counsel for Relator

CERTIFICATE

The undersigned, Scott J. Drexel, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Stacy Solochek Beckman is duly authorized to represent relator in the premises and has accepted the responsibility of prosecuting the complaint to its conclusion. After investigation, relator believes reasonable cause exists to warrant a hearing on such complaint.

Dated: July 6, 2015



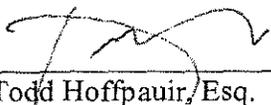
Scott J. Drexel, Disciplinary Counsel

Waiver of Probable Cause

The Office of Disciplinary Counsel has informed me of its intent to file a formal complaint against my client, Gary Nieland Bakst, with the Board of Professional Conduct on June 16, 2015. Under Gov. Bar R.V(11)(B), I understand that the Board must make a finding of probable cause before certifying the complaint.

I hereby waive probable cause and accept certification.

Signed on this 2nd day of July, 2015.



G. Todd Hoffpauir, Esq.
Attorney Registration Number (0064449)
Counsel for Gary Nieland Bakst