

**BEFORE THE BOARD OF COMMISSIONERS
ON
GRIEVANCES AND DISCIPLINE
OF
THE SUPREME COURT OF OHIO**

In Re: : **08-2103**

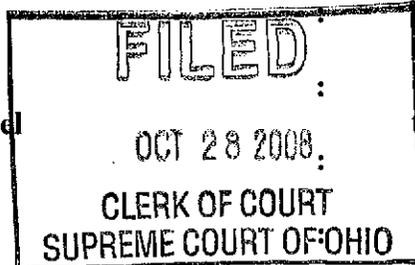
Complaint against : **Case No. 07-096**

George L. Forbes : **Findings of Fact,**
Attorney Reg. No. 0010716 : **Conclusions of Law and**

Respondent

Disciplinary Counsel

Relator



**Recommendation of the
Board of Commissioners on
Grievances and Discipline of
the Supreme Court of Ohio**

BACKGROUND

1. Disciplinary Counsel filed a complaint against Respondent on December 10, 2007. The complaint alleged that Respondent had violated DR 1-102(A)(6) of the Code of Professional Responsibility by his conduct while a member of the Bureau of Workers' Compensation Oversight Commission. The Respondent filed an answer to the complaint on February 1, 2008.
2. The parties entered into a consent to discipline under section 11 of the Board's rules and regulations. The consent to discipline was filed April 4, 2008. By entry filed May 7, 2008, the panel rejected the consent to discipline, and the matter was scheduled for formal hearing.
3. The matter was heard on August 14, 2008, in Columbus, Ohio, before a panel composed of Paul DeMarco, Walter Reynolds, and Judge John Street, Chair. None of the panel members was from the district in which the complaint arose, and none was a member of the probable cause panel that certified the matter to the Board. Joseph Caligiuri appeared as counsel for Relator,

Disciplinary Counsel. Respondent George Lawrence Forbes was present for the hearing. He was represented by Charles Saxbe and Joseph Pickens.

4. At the hearing, the Relator offered the attached stipulations and rested its case.
5. Counsel for Respondent presented testimony from James Wooley, Clarence Rogers and the Respondent.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

6. Respondent was admitted to the practice of law in the State of Ohio on October 17, 1962.
7. In 1995 he was appointed to the Board of the Bureau of Workers' Compensation Oversight Commission by then Governor George Voinovich. Respondent remained a member of the Oversight Commission until his resignation on June 9, 2005.
8. The Oversight Commission was created during a time when the Bureau of Workers' Compensation was being reorganized. Respondent was one of the initial members to be appointed to the commission. The commission initially met once a month and later met once every two months. The five members of the commission reviewed potential investment consultants and money managers for the Bureau of Workers' Compensation (BWC) that had been recommended by the Bureau staff.
9. As a member of the Oversight Commission, Respondent was required to file with the Ohio Ethics Commission annual financial disclosure statements for the calendar years 1995 through 2005.
10. Respondent filed his financial disclosure statements, but he failed to include the following information:

Clarke Blizzard and/or Mr. Blizzard's affiliated companies, such as American Express and Northwinds Marketing as a source of gifts, meals, and/or travel

expenses for the calendar years 1997 through 2004. The value of the gifts, meals, and/or travel was in excess of \$6,000.

Patrick White of Great Lakes Capital Partners as a source of travel expense for the calendar years 2003 and 2004.

The BWC as a source of travel expense for the calendar years 1995 through 2004, despite continuously applying for and receiving reimbursement expenses related to BWC business.

Creditors, including JP Morgan Chase, Citibank, and American Express for calendar years 1998 through 2005.

11. At the time Respondent received the gifts, meals and/or travel identified above, Clark Blizzard (and/or his companies) and Patrick White were doing or seeking to do investment-related business with the BWC.

12. On July 3, 2007, the Franklin County Prosecutor's office filed six misdemeanor charges against Respondent. Four charges were for violating R. C. §102.02(D) [Filing false statements] which states, "No person shall knowingly file a false statement that is required to be filed under this section."

13. The two remaining charges were for violating R. C. §102.03(E) [Conflict of interest] which states, "No public official or employee shall solicit or accept anything of value that is of such character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties."

14. On July 5, 2007, Respondent pled guilty to each of the four counts of filing false statements and no contest to the two counts of conflict of interest. Respondent was found guilty on all charges, and he was given a thirty-day suspended sentence, was placed on probation for

one year, was ordered to pay \$6,000 in restitution to the Bureau of Workers' Compensation, was fined \$1,000 on each count, and was ordered to perform 60 hours of community service. The defendant complied with the terms of his sentence, and his probation was terminated early on November 9, 2007.

15. Clark Blizzard was convicted of felony bribery for his role in dealing with Terry Gaspar, the CFO of the Bureau of Workers' Compensation. Gaspar was also convicted. Both Blizzard and Gaspar were sentenced to prison. The investigation into Respondent's conduct began in large part because of Mr. Blizzard's references to meetings he had with Respondent. Neither Blizzard nor Gaspar testified at Respondent's disciplinary hearing. Much of the information given by Blizzard to investigators was discredited by Respondent's attorneys at the disciplinary hearing.

16. Respondent testified that he barely knew Clark Blizzard. He remembered meeting him on a couple of occasions and agreed that Mr. Blizzard may have picked up the tab for a lunch or a meal occasionally, but he did not have any other association with Mr. Blizzard. Even though he pled no contest to a conflict of interest charge regarding Blizzard, Respondent maintained his innocence in that nothing Blizzard did manifested a substantial or improper influence over him.

17. The hearing testimony of James Wooley, an attorney who represented Mr. Forbes on his criminal charge, gave insight into Respondent's relationship with Blizzard and why he pled guilty and no contest to the misdemeanor charges:

For example – and I'll just give you some of the examples – out of \$22,000 in – \$22,438 in total T & E, we found things like this:

On December 4th, 2002, Mr. Blizzard alleged that he spent \$3,214 on a Christmas party for Mr. Forbes in the evening at Johnny's Restaurant. Mr. Forbes was with the Mayor of Cleveland taping a television show that night and wasn't at Johnny's. And we could reconstruct that not just through Mr. Forbes but just

from his calendar and other people.

Mr. Blizzard allegedly spent \$1,958.05 on a dinner for Mr. Forbes at Johnny's Restaurant on June 19th, 1999. Mr. Forbes was the President of the NAACP and was at the Freedom Fund Dinner that night and was there all night and would have had 2,000 alibi witnesses.

On April 29, 1999, Mr. Blizzard claimed he did a -- had a dinner at Smith & Wollensky's in Florida for Mr. Forbes and spent \$2,329 on Mr. Forbes. Mr. Forbes was in his office in Cleveland, Ohio on that day and not in Florida, and was with a man named Tim Highland, who I was able to speak to, who's a broker at Boyd -- a group called Boyd in Cleveland.

There were eight dates at the Ritz-Carlton totalling \$1,338. Mr. Forbes had never been to the Ritz-Carlton.

There was a date on May 16th, 2001, where Mr. Forbes was -- Mr. Blizzard said he was having dinner with him, but he was in Beijing, China.

There was a day, April 8th, '99, Mr. Blizzard claimed to be having a meal with Mr. Forbes. He was with Reverend Al Sharpton on that day.

There was a lunch date, May 26, 1999, where Mr. Forbes was allegedly having lunch with Mr. Blizzard but he was having lunch with the county prosecutor from Cleveland, Bill Mason.

So we went through this process, but we did find that -- what we considered -- and we can -- people have different opinions about that, but a small amount of this was real. A small amount of this T & E was real as part of our investigation.

There was a lunch that actually matched up. March 17th, 2000, Mr. Forbes' calendar showed he was having lunch with Mr. Blizzard at Johnny's Restaurant. Mr. Blizzard claimed he picked up the tab for that lunch. We didn't have evidence to the contrary.

There was a trip in October of '99 to New York. And this was very -- I found this pretty interesting. But Mr. Blizzard claimed to have spent \$3,310 in travel and entertainment for Mr. Forbes in connection with this trip.

And -- And what really happened -- And -- And I talked to Mr. Forbes, but also to the witness, Mr. Mike Roberts, who went on this trip with them. It turns out the President of American Express was an African-American man named Mr. Chenault, and he expressed an interest in meeting Mr. Forbes, and Mr. Blizzard worked for American Express. So they set up a meeting for Mr. Forbes to go to

New York City.

Mr. Blizzard offered to fly him in a private plane, and Mr. Forbes said, "No, I can't do that. I'll take my own commercially." He flew commercial. Went to New York City. Was – Along with his friend Mike Roberts was met at the airport by a car where they hold the sign saying, you know, "Mr. Forbes," and then you go to a car, and the car drove him into the city where he had lunch. Then he met with Mr. Chenault. And then got a car back to the airport.

Mr. Blizzard's expenses included hotels, said that car service was something like \$900 or \$1,000, because he hired it all day, and meals and dinners all around the trip.

And we looked at that, and we said, "Look, Mr. Forbes didn't pay for his share of the lunch and he got a ride back and forth to the airport." That what really happened, all right? And Mr. Blizzard had said \$3,310 worth of T & E on Mr. Forbes.

And we believed – And we approached the authorities. We said, "That's just overstated. We really believe that's substantially overstated." But it's the kind of thing, I suppose, he should have reported – he should have on his ethics form.

And that was just the basis of our – our – Our investigation said, "There's a little bit there, but it is substantially overstated," and we – we had a very open discussion with the authorities about that. Transcript, 26-30.

18. It was clear to the panel that Respondent had received some gifts from Clark Blizzard that should have been reported on his financial disclosure forms, but it probably was not nearly as extensive as claimed by Mr. Blizzard.

19. With respect to accepting gifts from Pat White, Respondent accepted three plane rides that he failed to disclose. Mr. Wooley also testified with respect to those flights as follows:

Three plane rides. A plane ride to Harrisburg to meet with the Legislature, a plane ride to Pittsburgh, and a plane ride to Columbus to go to a fund-raiser, private planes. And the authorities took the position that his per capita share of the cost of a private plane was the amount of the thing of value, and we took the position that, no, it should be he should have reimbursed for the cost of what a commercial ticket would have been for that, if he – if he should have been reimbursed at all. And they said the value was \$3,296 and we thought that it would have been more in the few-hundred-dollar range for these smaller flights.

And when we looked at these offenses; these – They were going to charge him with conflict violations. And we considered he's a part-time public official on an oversight board. He did not have the ability to steer work to Mr. White's firm or to Mr. Blizzard's firm, and we considered that Mr. Forbes had other reasons to maybe go to those places. As the President of the NAACP, as a prominent private lawyer, and a prominent civic leader, had other reasons to be in these places and do these things.

We took the position, and reasonable minds can disagree, but we didn't think he would have been convicted of those charges as – as conflict violations because we did not believe, and I did not believe, and I don't believe today, that those things manifested a substantial and improper influence over him in connection with his duties, which is the statute.

And where we came out was, he had problems with his disclosure forms, which we knew we were going to come in second if we had a trial on those, and Mr. Forbes said, "I just want to resolve this."

So we agreed to plead no contest to the conflict charges and plead guilty to the disclosure charges. That was a very conscious choice, that we were not pleading guilty to the disclosure – to the conflict charges after a careful, detailed investigation of the underlying facts. Transcript, 30-32.

20. Even though he pled no contest to a conflict of interest charge regarding White, Respondent maintained his innocence in that nothing White did manifested a substantial or improper influence over him.
21. Respondent did not report the Bureau of Workers' Compensation as a source of travel expenses on his forms when he applied for and received reimbursement expenses.
22. Finally, Respondent did not report several creditors whom he owed over a thousand dollars in some of the years he was a member of the Oversight Commission. The Respondent testified he didn't include these creditors because he paid them each month. He did not carry a balance on the bills. He did not realize that he was supposed to report them if he was paying the bill each month.
23. Based on the stipulations and testimony, the panel finds by clear and convincing evidence

that Respondent violated DR 1-102(A)(6) (a lawyer shall not engage in conduct that adversely reflects on his fitness to practice law).

MATTERS IN MITIGATION AND AGGRAVATION

24. The parties stipulated and the panel finds by clear and convincing evidence that the following factors in mitigation have been established.

- Absence of prior disciplinary record;
- Full and free disclosure to the disciplinary board;
- Cooperative attitude toward the disciplinary proceedings;
- Restitution to the Bureau of Workers' Compensation;
- Positive character and reputation evidence; and
- Imposition of other penalties.

25. A majority of the panel does not find any of the aggravating factors listed in Section 10 of the Board's Rules and Regulations to have been shown.

SANCTION

The parties stipulated that the appropriate sanction should be a public reprimand citing *Disciplinary Counsel v. Taft*, 112 Ohio St.3d 155, 2006-Ohio-6525, in which the Supreme Court of Ohio publicly reprimanded former Ohio Governor Robert Taft after he had pled no contest to four misdemeanor offenses for violating R. C. §102.02(D).

A majority of the Panel agrees with the stipulated sanction and recommends that Respondent be publicly reprimanded.

DISSENT OF MEMBER DEMARCO TO FORBES PANEL REPORT

The majority of the Panel finds no aggravating factors and nothing to distinguish this case from *Disciplinary Counsel v. Taft*, 112 Ohio St.3d 155, 2006-Ohio-6525, and thus concludes that

the same sanction Governor Taft received – a public reprimand – is justified in this case.

Because I respectfully disagree with the majority of the Panel and would instead recommend a 6-month suspension, I must dissent.

Governor Taft pled no contest to four counts of violating RC § 102.02(D), filing a false financial disclosure statement. Mr. Forbes pled guilty to four counts of violating the same statute. If these were the only violations of which Mr. Forbes had been convicted, I would agree that the two cases were comparable and that the sanction should be the same. But they were not Mr. Forbes' only convictions. He also pled no contest to – and was convicted of – two counts of violating R.C. § 102.03(E), which states, “No public official or employee shall solicit or accept anything of value that is of such character as to manifest a substantial and improper influence upon the public official or employee with respect to that person’s duties.”

A plea of no contest is an admission of the facts alleged in the criminal complaint. Crim.R. 11(B)(2). The criminal complaint regarding R.C. § 102.03(E) alleged that Mr. Forbes accepted something of value (i.e., meals, entertainment, and travel) from Clarke Blizzard and Pat White that was “of such a character as to manifest a substantial and improper influence upon him with respect to his duties as a Board Member of the Oversight Commission in Columbus, OH” Exh. 2 to Agreed Stipulations. Thus, in addition to his admission that he violated R.C. § 102.02(D) the same number of times Governor Taft violated it, Mr. Forbes' no contest plea in his criminal case was an admission that he *twice* accepted something of value that was of such character as to manifest a substantial and improper influence upon him with respect to his duties as a public official. Crim.R. 11(B)(2). Consistent with his no contest plea and conviction with respect to R.C. § 102.03(E), Mr. Forbes stipulated in these proceedings that he received “gifts, meals, and travel” from Mr. Blizzard “and/or his companies” and from Mr. White when both

men or their companies “were doing or seeking to do investment-related business with the BWC.” Agreed Stipulations, ¶ 10. Mr. Forbes also acknowledged in his testimony in this case that, after he met with Mr. Blizzard, Mr. Blizzard’s company, American Express, was given responsibility to manage \$800 million in BWC funds. Hearing Transcript, p. 129.

By virtue of Mr. Forbes’ stipulations and testimony in this case and his plea of no contest to two counts of violating R.C. § 102.03(E) in the criminal case, I believe, and would find, that there is clear and convincing evidence that the gifts, meals, and travel Mr. Forbes admitted receiving from Mr. Blizzard and Mr. White substantially and improperly influenced his conduct as a public official.

The majority notes that Mr. Forbes insisted during his testimony that, despite his no contest plea and conviction regarding R.C. § 102.03(E), the gifts, meals, and travel from Mr. Blizzard and Mr. White did not substantially or improperly influence him. It is unclear whether or not the majority accepts Mr. Forbes’ explanation. I do not. The facts are that, under a deal he made with prosecutors in his criminal case, Mr. Forbes:

- pled no contest to soliciting or accepting something that was of “such character as to manifest a substantial and improper influence upon” him “with respect to [his] duties” as a public official;
- was convicted of doing so; and
- received a suspended 30-day sentence.

Based on these facts, I believe the panel should reject Mr. Forbes’ assertion that the gifts, meals, and travel Mr. Blizzard and Mr. White bestowed on him had no substantial or improper influence over him. His no contest plea and conviction simply belie any such suggestion. A lawyer cannot

be allowed to admit the allegations of a criminal complaint in his criminal case and then disavow or explain away that admission in his disciplinary case. Once a lawyer enters a plea of guilty (or, I believe, no contest) to a criminal charge, the facts that formed the basis for that charge are established and indisputable for purposes of any ensuing disciplinary proceeding, and the lawyer cannot explain them away, as Mr. Forbes and his attorneys tried to do in this disciplinary proceeding. *Cincinnati Bar Assn. v. Powers*, 2008-Ohio-4785 ¶ 22, Slip Opinion.

Moreover, far from accepting Mr. Forbes' proffered attempt to explain away his no contest plea and conviction, I would treat his attempt to explain it away as an *aggravating* factor that, coupled with the fact he was convicted of two more offenses than Governor Taft, justifies a more severe sanction. At the very least, I believe Mr. Forbes' attempt to explain away his two additional convictions constitutes a refusal to acknowledge the wrongful nature of his conduct. BCGD Proc.Reg. 10(B)(1)(g). I also would find as additional aggravating factors that Mr. Forbes committed multiple offenses (four counts of violating R.C. § 102.02(D) and two counts of violating R.C. § 102.03(E) and that, by allowing himself to be influenced by Mr. Blizzard's and Mr. White's meals, gifts, and travel, Mr. Forbes engaged in a pattern of misconduct that involved a selfish motive. BCGD Proc.Reg. 10(B)(1)(b) and (c).

In light of Mr. Forbes' two violations of R.C. § 102.03(E), his four violations of R.C. § 102.02(D), and the aggravating factors mentioned above, I would recommend that Mr. Forbes receive a more severe sanction than Governor Taft received for his four violations of R.C. § 102.02(D) without any aggravating factors. I would recommend a suspension of six months. In arriving at this recommendation, I found guidance in two cases, *Disciplinary Counsel v. Carroll*, 106 Ohio St.3d 84, 2005-Ohio-3805, and *Akron Bar Assn. v. Peters*, 94 Ohio St.3d 215, 2002-Ohio-639.

In *Carroll*, the respondent received a 6-month stayed suspension for falsely claiming that hours he actually had spent representing private clients had been devoted to his duties as the director of a state board. Like the respondent in *Carroll*, Mr. Forbes filed inaccurate forms required by the state; unlike him, Mr. Forbes accepted something of value that improperly influenced his conduct as a public official. Therefore, I believe the sanction imposed on Mr. Forbes should be more severe than the respondent in *Carroll* received. In particular, I believe an actual suspension is justified. I do not believe, however, that Mr. Forbes should receive the 2-year suspension imposed on the respondent in *Peters*, who consciously took part in a scheme that allowed her to use her public office to secure fees and other items of value from a company doing business with the agency she was overseeing. Given the disciplinary violation stemming from Mr. Forbes' criminal violations, and the mitigating and aggravating factors present in this case, I believe this case, on balance, is closer to *Carroll* than to *Peters*. For this reason, I would recommend the same 6-month suspension that the Board recommended and the Supreme Court imposed in *Carroll*, with no time stayed due to the added violations of the law and aggravating factors presented in this case and discussed above.

BOARD RECOMMENDATION

Pursuant to Gov. Bar Rule V(6)(L), the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio considered this matter on October 3, 2008. The Board adopted the Findings of Fact, Conclusions of Law and Recommendation of the Panel majority and recommends that the Respondent, George L. Forbes, be publicly reprimanded in the State of Ohio. The Board further recommends that the cost of these proceedings be taxed to the Respondent in any disciplinary order entered, so that execution may issue.

**Pursuant to the order of the Board of Commissioners on
Grievances and Discipline of the Supreme Court of Ohio,
I hereby certify the foregoing Findings of Fact, Conclusions
of Law, and Recommendation as those of the Board.**

A handwritten signature in black ink, appearing to read "Jonathan W. Marshall", is written over a horizontal line.

JONATHAN W. MARSHALL, Secretary

**Board of Commissioners on
Grievances and Discipline of
The Supreme Court of Ohio**

**BEFORE THE BOARD OF COMMISSIONERS
ON GRIEVANCES AND DISCIPLINE
OF THE SUPREME COURT OF OHIO**

FILED

AUG 07 2008

BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

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BOARD NO. 07-096

DISCIPLINARY COUNSEL
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411

AGREED STIPULATIONS

AGREED STIPULATIONS

Respondent, George Lawrence Forbes, and relator, Disciplinary Counsel, hereby agree and stipulate to the following facts, exhibits, violations, and recommended sanction.

STIPULATED FACTS

Respondent, George Lawrence Forbes, was admitted to the practice of law in the state of Ohio on October 17, 1962. At all times herein, respondent was subject to the Code of Professional Responsibility and the Rules for the Government of the Bar of Ohio.

1. In 1995, former Governor of Ohio, George Voinovich, appointed respondent to the board of the Bureau of Workers' Compensation (BWC) Oversight Commission (OC).
2. Respondent held the board appointment until his resignation on June 9, 2005.

3. In addition to serving on the BWC OC, respondent was (and still is) a practicing attorney and the managing partner at the law firm of Forbes, Forbes & Associates in Cleveland, OH.
4. Shortly after respondent's appointment to the OC, respondent was appointed to the OC's Investment Committee, which was entrusted with monitoring and reviewing the BWC's financial investments.
5. In April 2005, the Ohio Inspector General began an investigation into alleged wrongful acts associated with the investment practices of the BWC.
6. The Inspector General's investigation prompted an investigation by the Ohio Ethics Commission into the BWC's investment practices and compliance with Ethics Laws.
7. As a board member of the OC, respondent was required to file with the Ohio Ethics Commission annual Financial Disclosure Statements for calendar years 1995 through 2005.
8. Under ORC §102.02(A), the Financial Disclosure Statements required that respondent list all sources of gifts, meals, and travel expenses, as well as the names of creditors to whom respondent owed in excess of \$1,000.
9. As a result of the Ohio Ethics Commission's investigation, it was revealed that respondent filed Financial Disclosure Statements for the years 1995 through 2005; however, respondent knowingly failed to report the following information:

- Clarke Blizzard and/or Mr. Blizzard's affiliated companies, such as American Express and Northwinds Marketing as a source of gifts, meals, and/or travel expenses for the calendar years 1997 through 2004. The value of the gifts, meals, and/or travel was in excess of \$6,000;
- Patrick White of Great Lakes Capital Partners as a source of travel expense for the calendar years 2003 and 2004;
- The BWC as a source of travel expense for the calendar years 1995 through 2004, despite continuously applying for and receiving reimbursement expenses related to BWC business;
- Creditors, including JP Morgan Chase, Citibank, and American Express for calendar years 1998 through 2005.

10. At the time respondent received the gifts, meals, and or travel identified above, Clarke Blizzard (and/or his companies) and Patrick White were doing or seeking to do investment-related business with the BWC.
11. As a result of the joint investigations, on July 3, 2007, the Franklin County Prosecutor's Office, on behalf of the state of Ohio, filed six misdemeanor charges against respondent.
12. Respondent was charged with four counts of violating R.C. §102.02(D), which states, "No person shall knowingly file a false statement that is required to be filed under this section," and two counts of violating R.C. §102.03(E), which states, "No public official or employee shall solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties."
13. On July 5, 2007, respondent pled guilty to each of the four counts of R.C. §102.02(D) (Filing False Statements) and no contest to the two counts of R.C. §102.03(E) (Conflict of Interest).

14. That same day, respondent was sentenced to 30 days in jail (suspended) to run concurrent with each count, one year probation, \$6,000 in restitution to the BWC, \$1,000 fine for each count, and 60 hours of community service.
15. On the same day, respondent paid \$6,000 in restitution to the BWC.
16. On November 9, 2007, the court terminated respondent's probation early based upon respondent's compliance.

STIPULATED MITIGATION EVIDENCE

Respondent and relator hereby agree and stipulate to the following mitigation evidence:

- Absence of a prior disciplinary record;
- Full and free disclosure to disciplinary board;
- Cooperative attitude toward the disciplinary proceedings;
- Restitution to the Bureau of Workers' Compensation;
- Positive character and reputation evidence; and,
- Imposition of other penalties.

STIPULATED VIOLATIONS

Respondent, George L. Forbes, and relator, Disciplinary Counsel, hereby agree and stipulate that respondent violated Disciplinary Rule 1-102(A)(6) [A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law].

STIPULATED EXHIBITS

- Exhibit 1 Inspector General's Investigative Report (redacted)
- Exhibit 2 Criminal Complaints filed on July 3, 2007
- Exhibit 3 Sentencing entry dated July 3, 2007
- Exhibit 4 Character Letters

STIPULATED SANCTION

Respondent and relator hereby agree and stipulate to a recommended sanction of a public reprimand. In support of the recommended sanction, the parties have relied upon the Ohio Supreme Court's 2006 decision in a similar case. In *Disciplinary Counsel v. Taft*, 112 Ohio St.3d 155, 858 N.E. 2d 414, 2006-Ohio-6525, the Ohio Supreme Court publicly reprimanded former Ohio Governor, Robert Taft, after he pled no contest to four misdemeanor offenses for violating R.C. 102.02(D), which prohibits a person from knowingly filing a false disclosure statement. *Id.* at 156, 858 N.E.2d. 415. Former Governor Taft, as a public official, was required to file annual financial disclosure forms with the Ohio Ethics Commission. Upon further scrutiny, it was determined that although Taft filed the financial disclosure forms, he failed to disclose the names of 19 benefactors who gave him gifts having a combined value of \$5,682.26. *Id.* The Court noted, "There must be no misunderstanding that the legal profession demands adherence to the highest ethical standards of honesty and integrity; and lawyers who hold public office must be especially scrupulous in this regard. On the other hand, any sanction is an indelible stain on a lawyer's professional record." *Id.* at 158, 858 N.E.2d. 417.

Like former Governor Taft, respondent failed to disclose the amenities bestowed upon him by two benefactors. Respondent also pled no contest to two misdemeanor counts of R.C. §102.03(E) [Conflict of Interest] based upon the fact that at the time respondent accepted the

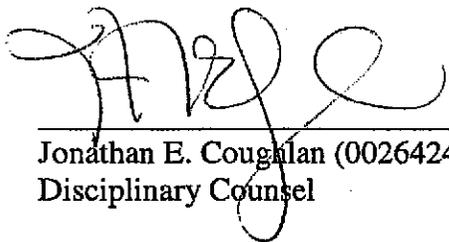
amenities, the two benefactors were doing or seeking to do investment-related business with the Bureau of Workers' Compensation.

Respondent held a position of public trust and his lapses in judgment warrant discipline. A public reprimand effectively addresses the misconduct and takes into consideration respondent's unblemished 46-year legal career, his strong character evidence, and the previously imposed criminal penalty.

CONCLUSION

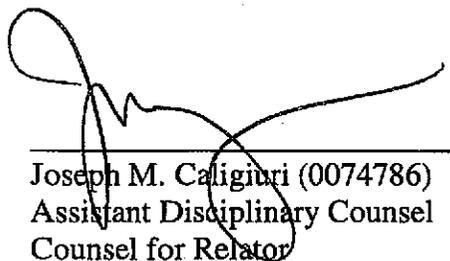
The above are stipulated to and entered into by agreement by the undersigned parties on this

6 day of August 2008.



Jonathan E. Coughlan (0026424)
Disciplinary Counsel

Charles W. Saxbe, III (0021952)
Counsel for respondent



Joseph M. Caligiuri (0074786)
Assistant Disciplinary Counsel
Counsel for Relator

George L. Forbes (0010716)
Respondent

amenities, the two benefactors were doing or seeking to do investment-related business with the Bureau of Workers' Compensation.

Respondent held a position of public trust and his lapses in judgment warrant discipline. A public reprimand effectively addresses the misconduct and takes into consideration respondent's unblemished 46-year legal career, his strong character evidence, and the previously imposed criminal penalty.

CONCLUSION

The above are stipulated to and entered into by agreement by the undersigned parties on this _____ day of August 2008.

Jonathan E. Coughlan (0026424)
Disciplinary Counsel



Charles R. Saxbe (0021952)
Counsel for Respondent

Joseph M. Caligiuri (0074786)
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Counsel for Relator



George L. Forbes (0010716)
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