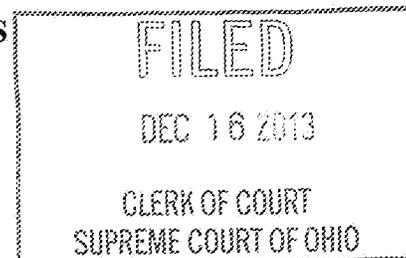


BEFORE THE BOARD OF COMMISSIONERS
ON
GRIEVANCES AND DISCIPLINE
OF
THE SUPREME COURT OF OHIO



In Re:	:	SCO No. 2013-0569
Complaint against	:	Case No. 2012-075
Steven James McBeth Attorney Reg. No. 0063426	:	Findings of Fact
Respondent,	:	Conclusions of Law, and
Cincinnati Bar Association	:	Recommendation of the
Relator.	:	Board of Commissioners on
	:	Grievances and Discipline of
	:	the Supreme Court of Ohio

REVISED DISCIPLINE BY CONSENT—ON REMAND FROM
THE SUPREME COURT OF OHIO

{¶1} On April 8, 2013, the Board of Commissioners on Grievances and Discipline filed a report and recommendation with the Supreme Court recommending acceptance of the parties' consent to discipline agreement. The Board further recommended imposition of a two-year suspension from the practice of law with 18 months stayed on the conditions of compliance with a two-year OLAP contract and monitored probation for the duration of the suspension.

{¶2} On October 21, 2013, the Supreme Court issued an order remanding this matter to the Board. The remand order reads, in part, as follows:

[T]his matter is remanded to the board for clarification of respondent's monitored probation. A respondent cannot serve probation while under suspension.

{¶3} On November 27, 2013, the parties filed a revised consent to discipline agreement in which they agree to the sanction of a two-year suspension, with 18 months stayed on the condition that respondent signs and complies with an OLAP contract and serves monitored probation *during the stayed portion of the suspension*. (Emphasis added.) The revised

agreement includes a new affidavit from Respondent that conforms to BCGD Proc. Reg. Sec. 11.

{¶4} The panel finds the revised agreement filed by the parties provides the clarification requested by the Supreme Court. The panel further recommends that the Board transmit the revised agreement and the Board's recommendation of acceptance of the revised agreement, including the sanction set forth in the revised agreement, to the Supreme Court.

BOARD RECOMMENDATION

Pursuant to Gov. Bar R. V, Section 6, the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio considered this matter on December 12, 2013. The Board voted to recommend acceptance of the revised agreement, including the sanction set forth in the revised agreement, to the Supreme Court. The Board further recommends that the costs of these proceedings be taxed to 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 Recommendations as those of the Board.



RICHARD A. DOVE, Secretary

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

FILED

NOV 27 2013

BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

In re:

Complaint against

Steven James McBeth, Esq. (0063426)

BOC Case No. 12-075

4155 O'Leary Ave.
Cincinnati, OH 45236

Second Revised Consent to Discipline

Respondent,

CINCINNATI BAR ASSOCIATION
225 East Sixth St., 2nd Floor
Cincinnati, OH 45202

Relator.

(1) Conditioned upon the acceptance of this Consent to Discipline by the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio, and based on the Stipulation of Facts submitted herewith, Respondent admits to violating his oath of office and the Ohio Rules of Professional Conduct, specifically Rules 1.1, 1.3, 1.4(a), 1.5(a), and 1.15(a), as follows:

- a. Rule 1.1, by failing to provide competent representation to Mr. Smith.
- b. Rule 1.3, by failing to diligently represent Mr. Smith.
- c. Rule 1.4(a), by failing to communicate with Mr. Smith.
- d. Rule 1.5(a), by charging a clearly excessive fee to Mr. Smith.
- e. Rule 1.15(a), by failing to hold Mr. Smith's retainer separate from his own property.

(2) Respondent and Relator agree to the following mitigating factors:

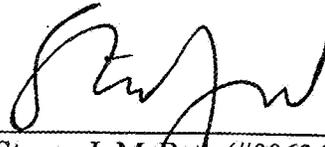
- a. Respondent has no prior disciplinary history.
- b. Respondent has been cooperative in the investigation process.
- c. Respondent suffers from diagnosed chemical dependency and mental health issues. He was admitted to an inpatient alcohol and drug treatment program on March 29, 2012. He successfully completed the program on April 24, 2012. Respondent's counselor determined that Respondent's misconduct was a result of these issues. *See* attached Exhibit A.
- d. Respondent has made restitution to each of the clients to whom he owed funds.

(3) Respondent and Relator agree to the following aggravating factor:

- a. Respondent exhibited a dishonest motive by accepting his client's retainer and spending it on himself.

(4) Respondent and Relator agree to the sanction of a two-year suspension, with 18 months stayed on the condition that Respondent signs and complies with an OLAP contract and serves monitored probation during the stayed portion of the suspension. Such contract shall be executed prior to the commencement of probation. Respondent and Relator also agree that Respondent will pay the costs of this action.

Respectfully Submitted,

By: 

Steven J. McBeth (#0063426)
4155 O'Leary Ave.
Cincinnati, OH 45236
(513) 800-7383

By: *James A. Comodeca / duo by permission*

James A. Comodeca (#0038564)
Counsel for Relator
Cincinnati Bar Association
1900 Chemed Center
255 E. 5th Street
Cincinnati, OH 45202
(513) 977-8358
jim.comodeca@dinsmore.com

By: *Edwin W. Patterson III*

Edwin W. Patterson III, Esq. (#0019701)
General Counsel
Cincinnati Bar Association
225 East Sixth St., 2nd Fl.
Cincinnati, OH 45202
Phone: (513) 699-1403
ewpatterson@cincybar.org

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

FILED

NOV 27 2013

BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

In re:

Complaint against

Steven James McBeth, Esq. (0063426)

4155 O'Leary Ave.
Cincinnati, OH 45236

BOC Case No. 12-075

Respondent,

Affidavit of Steven James McBeth

CINCINNATI BAR ASSOCIATION
225 East Sixth St., 2nd Floor
Cincinnati, OH 45202

Relator.

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

I, Steven McBeth, an attorney licensed to practice law in Ohio, being duly cautioned and sworn, state upon personal knowledge the following:

1. The Supreme Court of Ohio admitted me to the practice of law in the State of Ohio in 1994, and the Attorney Services Division, Attorney Registration Section, assigned Attorney Registration No. 0063426.
2. I make this Affidavit as a part of and to carry into effect an agreement I made with the Cincinnati Bar Association (the "Bar") in December, 2012. The Bar and I made the

agreement entitled "Consent to Discipline," under Section 11 of the Rules and Regulations Governing Procedure on Complaints and Hearings Before the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio.

3. On March 11, 2011, I agreed to represent Timothy J. Smith in a lawsuit against Mr. Smith's former girlfriend for property and personal injury damages. Mr. Smith paid me a \$1,500.00 retainer fee.
4. I represented to Mr. Smith that I filed a civil suit in June 2011. In fact, no suit was ever filed.
5. Mr. Smith attempted to call and email me numerous times after June 2011. I finally made telephone contact with Mr. Smith in January 2012.
6. I admitted to Mr. Smith that I had never filed a lawsuit, and had spent his \$1,500.00 retainer on personal items.
7. When Relator's investigator spoke with me in July 2012, I readily admitted that I took \$1,500.00 from Mr. Smith, spent the money, and provided no legal services to him.
8. When Relator's investigator spoke with me in July 2012, I admitted to owing money to two other former clients: Samuel Williams (\$525) and Peggy Whittington (\$300).
9. I suffer from diagnosed chemical dependency and mental health issues. I was admitted to an inpatient alcohol and drug treatment program on March 29, 2012. I successfully completed the program on April 24, 2012.
10. I have made restitution to each of the clients to whom I owed funds.
11. I admit that these facts constitute grounds for the Supreme Court of Ohio to impose discipline for misconduct and I admit that I committed the misconduct set forth herein.
12. I acknowledge that the agreement sets forth all charges of misconduct against me.

13. As a sanction of my misconduct, I agree to accept the sanction of a two-year suspension, with 18 months stayed on the condition that I sign and comply with an OLAP contract and serve monitored probation during the stayed portion of my suspension. I further agree to pay the costs of this action.
14. Without coercion or duress, I freely and voluntarily admit the facts serving as the basis of the Cincinnati Bar Association's complaint against me and agree to consent to discipline. I am fully aware of the implications of the admissions and the agreement on my ability to practice law in Ohio.
15. I understand that the Supreme Court of Ohio has the final authority to determine the appropriate sanctions for the misconduct I have admitted.

FURTHER AFFIANT SAYETH NAUGHT.



Steven J. McBeth (#0063426)
4155 O'Leary Ave.
Cincinnati, OH 45236

Sworn and subscribed in my presence this 21 day of November, 2013.



Nicole Hampton
Notary Public, State of Ohio
My Commission Expires 12/12/2015



Notary Public