



FILED

JUL 21 2004

STATE BAR COURT
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**REVIEW DEPARTMENT OF THE STATE BAR COURT
IN BANK**

In the Matter of)	04-C-11925
)	04-C-11926
MARK R. POVRAZNIK)	
)	RECOMMENDATION OF
A Member of the State Bar)	SUMMARY DISBARMENT

In case number 04-C-11925 respondent Mark R. Povraznik, State Bar No. 153629, was convicted of grand theft (Pen. Code, § 487, subd. (a)) and in case number 04-C-11926, he was convicted of petty theft with a prior (Pen. Code, §§ 484, subd. (a) and 666). The State Bar sought our recommendation of summary disbarment in both of these unconsolidated cases. We filed and served separate orders to show cause directing respondent to show why we should not recommend his summary disbarment to the Supreme Court in each case. In his responses to our orders to show cause, respondent requested that the two cases be consolidated. We grant that request and consolidate the cases.


Respondent's convictions occurred in March 2000. The State Bar did not transmit evidence of the two convictions to us until May 2004. We placed respondent on interim suspension effective June 2004, and he has remained on interim suspension since that time. Respondent's convictions are now final.

The records of conviction establish that respondent's convictions meet the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c) as amended effective January 1, 1997. First, both offenses are felonies for purposes of this proceeding. (See Bus. & Prof. Code, § 6102, subd. (b).) Second, both crimes involve moral turpitude. (*In re Basinger* (1988) 45 Cal.3d 1348, 1358.) Thus, each crime is separately eligible for summary disbarment.

When an attorney's conviction meets the requirements of section 6102, subdivision (c), "the attorney is not entitled to a State Bar Court hearing to determine whether lesser discipline is called for." (*In re Paguirigan* (2001) 25 Cal.4th 1, 4-7.) Disbarment is mandatory. (*Id.* at p. 9; see also *In re Lesansky* (2001) 25 Cal.4th 11.)

We are concerned over the delay in the State Bar's transmittal to us of the convictions, which delay was unexplained by the State Bar. However, we determine that respondent's objections to the recommendation of summary disbarment are without merit pursuant to the above authorities. We also note that respondent does not dispute that his convictions meet the statutory requirements for summary disbarment.

We therefore recommend that respondent Mark R. Povraznik, State Bar No. 153629, be disbarred from the practice of law in this state. We also recommend that respondent be ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court's order. Finally, we recommend that the costs be awarded to the State Bar in accordance with section 6086.10 of the Business and Professions Code and that such costs be payable in accordance with section 6140.7 of the Business and Professions Code.



Presiding Judge

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court. 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 July 21, 2004, I deposited a true copy of the following document(s):

**RECOMMENDATION OF SUMMARY DISBARMENT, FILED JULY 21,
2004.**

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:

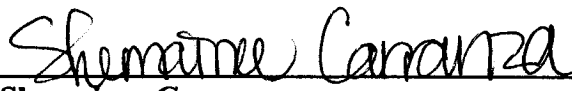
Michael G. Gerner
10100 Santa Monica Blvd., #800
Los Angeles, CA 90067

Mark R. Povraznik
8831 Venice Blvd.
Los Angeles, CA 90034

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

Dane C. Dauphine, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **July 21, 2004.**


Shemainee Carranza
Case Administrator
State Bar Court