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MAY 16 2005

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

In the Matter of

JASON D. BORREVIK

A Member of the State Bar

04-C-14264

RECOMMENDATION OF
SUMMARY DISBARMENT

The State Bar's request for recommendation of summary disbarment, filed on March 7, 2005, is granted. On March 10, 2005, we filed an order to show cause directing respondent Jason D. Borrevik, State Bar No. 191083, to show why we should not recommend his summary disbarment to the Supreme Court. Respondent's opposition asserts that summary disbarment is not appropriate in this matter as his crimes do not involve moral turpitude.


In October 2004 respondent was convicted of two counts of use of the internet to send harmful material to a minor with intent to seduce (Pen. Code, § 288.2, subd. (b)) and one count of unlawful sexual intercourse with a minor (Pen. Code, § 261.5, subd. (c)). As a result of respondent's conviction, we placed him in interim suspension effective December 17, 2004, and he has remained on interim suspension since that time. Respondent's conviction is now final.

The record of conviction establishes that respondent's conviction meets the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c) as amended effective January 1, 1997. First, the offenses are felonies. (See Bus. & Prof. Code, § 6102, subd. (b).) Second, respondent's unlawful sexual intercourse violation required that he engage in sexual intercourse with a minor more than three years younger than himself (Pen. Code § 261.5, subd. (c)) and his violations involving the internet required that he "know the recipient is a minor, know the transmitted matter is harmful, intend to arouse the minor's sexual desires

[or his own], and, most specifically, intend to seduce the minor.” (*People v. Hsu* (2000) 82 Cal.App.4th 976, 989). Thus, respondent’s unlawful sexual behavior was committed against a minor who was substantially younger than himself and respondent intended to not only seduce the minor but also to arouse, appeal to or gratify the lust or passions or sexual desires of himself or the minor. We conclude these offenses involved moral turpitude. (See *In re Lesansky* (2001) 25 Cal.4th 11, 16-17.)

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.)

We therefore recommend that respondent Jason D. Borrevik, State Bar No. 191083, 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 May 16, 2005, I deposited a true copy of the following document(s):

ORDER, FILED MAY 16, 2005.

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


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

**Doron Weinberg
523 Octavia Street
San Francisco, CA 94102**

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

Donald R. Steedman, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 16, 2005.


Shemainee Carranza
Case Administrator
State Bar Court