

FILED

JAN 11 2006

**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

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

In the Matter of) 05-C-04222
RICHARD ANTHONY SBEGLIA,)
A Member of the State Bar.) **RECOMMENDATION OF SUMMARY
DISBARMENT**

The State Bar's request for recommendation of summary disbarment, filed on October 28, 2005, is granted. On November 14, 2005, we filed an order to show cause directing respondent Richard Anthony Sbeglia to show why we should not recommend his summary disbarment to the Supreme Court. Respondent did not file a response.

In March 2005, in the State of New York, respondent was convicted of four counts of grand larceny in the second degree, New York Penal Law section 155.40(1), and one count of criminal possession of a forged instrument in the second degree, New York Penal Law section 170.25, felonies. As a result of respondent's conviction, we placed him on interim suspension effective November 30, 2005, and he has remained on interim suspension since that time. Respondent's conviction is now final.

Respondent's conviction is conclusive evidence that he is guilty of these offenses. (Bus. & Prof. Code, § 6101, subd. (a).) He is conclusively presumed to have committed all of the acts necessary to constitute the offense. (*In re Duggan* (1976) 17 Cal.3d 416, 423.) New York Penal Law section 155.40(1) provides that "A person is guilty of grand larceny in the second degree when he steals property and when: [¶] 1. The value of the property exceeds fifty thousand dollars" Further, New York Penal Law section 155.05(1) provides that "A person steals property and commits larceny when, with intent to deprive another of property or to appropriate the same to himself or to a third parson, he wrongfully takes, obtains or withholds such property




from an owner thereof.” Thus, an element of respondent’s grand larceny offense is the intent to steal. Additionally, respondent’s crime is substantially the same as the crime of grand theft under California law (see Pen. Code, §§ 484, 487, subd. (a)), and grand theft involves moral turpitude (*In re Basinger* (1988) 45 Cal.3d 1348, 1358.) Thus, respondent’s offense involves moral turpitude as well.

Accordingly, 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. Respondent’s conviction is a felony, an element of the offense is the specific intent to steal, and the offense involves moral turpitude.

When an attorney’s conviction meets the requirements of Business and Professions Code 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, 7.) Disbarment is mandatory. (*Id.* at p. 9; see also *In re Lesansky* (2001) 25 Cal.4th 11.)

We therefore recommend that respondent Richard Anthony Sbeglia, State Bar number 87464, be summarily disbarred from the practice of law in this state. We also recommend that respondent be ordered to comply with California Rules of Court, rule 955 and to perform the acts specified in paragraphs (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 Business and Professions Code section 6086.10 and that such costs be payable in accordance with Business and Professions Code section 6140.7.



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 January 11, 2006, I deposited a true copy of the following document(s):

RECOMMENDATION OF SUMMARY DISBARMENT
FILED JANUARY 11, 2006

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

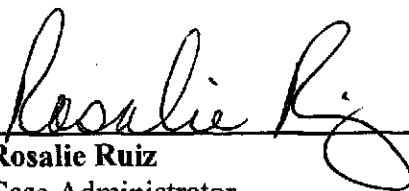
[X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

RICHARD A SBEGLIA
299 BROADWAY,STE 605
NEW YORK, NY 10007

[X] 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 **January 11, 2006.**



Rosalie Ruiz
Case Administrator
State Bar Court