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STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK¹

In the Matter of)	Case No. 07-C-10108
)	
ALEXANDER FU-PING SUN)	RECOMMENDATION OF SUMMARY
)	DISBARMENT
A Member of the State Bar, No. 149437.)	
_____)	

On July 22, 2011, the State Bar filed a request for recommendation of summary disbarment based on Alexander Fu-Ping Sun's felony conviction.² Sun did not file a response. We grant the request and recommend that Sun be summarily disbarred.

On April 13, 2009, a jury found Sun guilty of felony violations of Penal Code section 550, subdivisions (a)(1) and (a)(5) (insurance fraud).³ As a result of his conviction, we issued an order placing him on interim suspension, effective November 13, 2009. In February 2010, Sun appealed his conviction. On May 6, 2011, the Court of Appeal affirmed Sun's conviction and filed a remittitur on July 8, 2011, after the appellate opinion affirming Sun's judgment of conviction became final. On July 22, 2011, the State Bar transmitted evidence that Sun's conviction is final.

¹ Remke, P. J., did not participate.

² We wish to bring to the Court's attention that Sun filed a Resignation with Charges Pending on June 7, 2011 (case no. 11-Q-13660), and we have recommended that his resignation be declined.

³ The jury also found Sun guilty of a felony violation of Business and Professions Code section 6126, subdivision (b) (unauthorized practice of law). However, in recommending that Sun be summarily disbarred, we rely solely on his felony insurance fraud conviction.

After the judgment of conviction becomes final, “the Supreme Court shall summarily disbar the attorney if the offense is a felony . . . and an element of the offense is the specific intent to deceive, defraud, steal, or make or suborn a false statement, or involved moral turpitude.” (Bus. & Prof. Code, § 6102, subd. (c).) The record of conviction in this case establishes that Sun’s conviction meets the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c).

First, the offense is a felony. (Pen. Code, §§ 17 and 550, subd. (c)(1).) Second, the offense necessarily involves moral turpitude. Penal Code section 550, subdivision (a)(1), makes it a crime to “Knowingly present or cause to be presented any false or fraudulent claim for the payment of a loss or injury, including payment of a loss or injury under a contract of insurance.” Penal Code section 550, subdivision (a)(5), makes it a crime to “Knowingly prepare, make, or subscribe any writing, with the intent to present or use it, or to allow it to be presented, in support of any false or fraudulent claim.” The purpose of section 550 “and the evil which it seeks to remedy . . . [is] to criminalize and punish the making of false or fraudulent claims to obtain benefits.” (*People v. Blick* (2007) 153 Cal.App.4th 759, 774.) A requisite element of the “fraud offenses described in section 550 is an ‘intention to defraud.’” (*Id.* at p. 772.) Crimes that include the intent to defraud necessarily involve moral turpitude and satisfy the second element of the summary disbarment statute. (*In re Kelley* (1990) 52 Cal.3d 487, 494 [crimes involving the intent to defraud involve moral turpitude per se]; see *In re Fahey* (1973) 8 Cal.3d 842, 849 [crime “involving intentional dishonesty for the purpose of personal gain” establishes moral turpitude per se].)

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.)

We therefore recommend that Alexander Fu-Ping Sun, State Bar number 149437, be disbarred from the practice of law in this state. We also recommend that he be ordered to comply with rule 9.20 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 costs be awarded to the State Bar in accordance with section 6086.10 of the Business and Professions Code and that such costs be enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.



Acting 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 of California. 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 August 19, 2011, I deposited a true copy of the following document(s):

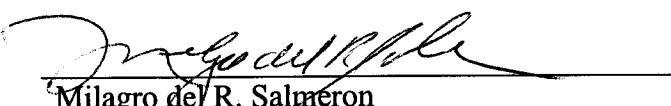
RECOMMENDATION OF SUMMARY DISBARMENT FILED AUGUST 19, 2011

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:
- | | |
|-------------------|---------------------------|
| ALEXANDER F. SUN | MICHAEL E. WINE |
| 106 W LEROY AVE | 301 N LAKE AVE STE 800 |
| ARCADIA, CA 91007 | PASADENA, CA 91101 - 5113 |
| | (courtesy copy) |
- ☐ by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:
- ☐ by overnight mail at , California, addressed as follows:
- ☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.
- ☐ By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:
- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Murray B. Greenberg, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 19, 2011.


Milagro del R. Salmeron
Case Administrator
State Bar Court