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JUL 27 2011

STATE BAR COURT  
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**STATE BAR COURT OF CALIFORNIA**

**REVIEW DEPARTMENT**

**IN BANK**

In the Matter of	)	Case No. 10-C-08363
	)	
GUSTAV GEORGE BUJKOVSKY,	)	RECOMMENDATION OF SUMMARY
	)	DISBARMENT
A Member of the State Bar, No. 47528.	)	
_____	)	

On June 15, 2011, the State Bar filed a request for recommendation of summary disbarment based on Gustav Bujkovsky's felony conviction. Bujkovsky did not file a response. We grant the request and recommend Bujkovsky be summarily disbarred.

On August 30, 2010, Bujkovsky pled guilty to a felony violation of title 18 United States Code section 1505 (obstruction of justice).<sup>1</sup> Effective January 24, 2011, we placed Bujkovsky on interim suspension. On June 15, 2011, the State Bar transmitted evidence that Bujkovsky's conviction is final.

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 establishes that

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<sup>1</sup> Bujkovsky also pled guilty to a felony violation of title 26 United States Code section 7201 (tax evasion). However, in recommending that Bujkovsky be summarily disbarred, we solely rely on his felony obstruction of justice conviction.



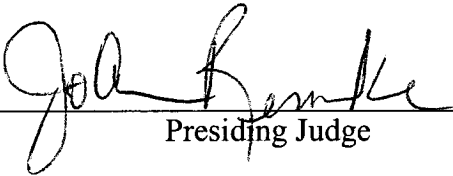
Bujkovsky's conviction is a felony involving moral turpitude and thus, meets the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c).

First, perpetrators of this offense are subject to imprisonment for no more than five years, making this offense a felony. (18 U.S.C. §§ 1505 and 3559(a)(5).) Further, Bujkovsky's obstruction of justice offense has three essential elements: 1) there must be a proceeding pending before a department or agency of the United States; 2) the defendant must be aware of the pending proceeding; and 3) the defendant must have intentionally endeavored corruptly to influence, obstruct or impede the pending proceeding and the administration of the law. (*U.S. v. Price* (9<sup>th</sup> Cir. 1991) 951 F.2d 1028, 1031.) "The specific intent required for obstruction of justice under section[ ] . . . 1505 is that defendant must have acted 'corruptly,' *i.e.*, that the act must be done with the purpose of obstructing justice. [Citation.]" (*U.S. v. Laurins* (9<sup>th</sup> Cir. 1988) 857 F.2d 529, 536-537.) Any endeavor, effort or act, however contrived, violates the statute as long as it was made with the requisite intent to corruptly influence, obstruct, or impede a pending proceeding. (*U.S. v. Mitchell* (4<sup>th</sup> Cir. 1989) 877 F.2d 294, 299.) Under California disciplinary precedent, "[T]he offense of conspiring to corruptly influence, obstruct, impede, hinder and embarrass the due administration of justice . . . falls easily within the definition of 'moral turpitude'." (*In re Craig* (1938) 12 Cal.2d 93, 97.)

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 Gustav George Bujkovsky, State Bar number 47528, 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 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 enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

  
\_\_\_\_\_  
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 July 27, 2011, I deposited a true copy of the following document(s):

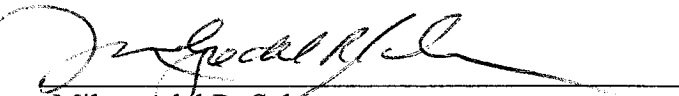
RECOMMENDATION OF SUMMARY DISBARMENT FILED JULY 27, 2011

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:  
  
GUSTAV GEORGE BUJKOVSKY  
2175 VALLEY RIM GLN  
ESCONDIDO, CA 92026
- 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 July 27, 2011.

  
Milagro del R. Salmiron  
Case Administrator  
State Bar Court