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

**REVIEW DEPARTMENT**

**IN BANK**

In the Matter of	)	Case No. 11-C-15820
	)	
GEORGE VICTOR TISCORNIA II,	)	RECOMMENDATION OF SUMMARY
	)	DISBARMENT
A Member of the State Bar, No. 142925.	)	
_____	)	

On December 16, 2011 the State Bar filed a request for recommendation of summary disbarment based on George Victor Tiscornia II's felony conviction of first-degree theft in Oregon. Tiscornia did not file a response. Based on the criminal record in this case, we grant the State Bar's request and recommend that Tiscornia be summarily disbarred.

On May 18, 2011, Tiscornia pled guilty to one felony violation of Oregon Revised Statutes section 164.055,<sup>1</sup> theft in the first degree. As a result of his conviction, we issued an order placing Tiscornia on interim suspension effective January 3, 2012. On December 16, 2011, the State Bar transmitted evidence that Tiscornia's conviction is final.

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<sup>1</sup> Oregon Revised Statutes section 164.055 (2007) defines theft in the first degree:  
“(1) A person commits the crime of theft in the first degree if, by other than extortion, the person commits theft as defined in ORS 164.015 and: (a) The total value of the property in a single or aggregate transaction is \$200 or more in a case of theft by receiving, and \$750 or more in any other case . . . .”

Under Oregon Revised Statutes section 164.015 (2007):  
“A person commits theft when, with intent to deprive another of property or to appropriate property to the person or to a third person, the person: (1) Takes, appropriates, obtains or withholds such property from an owner thereof . . . .”

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).) Tiscornia’s violation meets the criteria for summary disbarment.

First, Tiscornia’s out-of-state conviction is deemed a felony for disciplinary purposes. (Bus. & Prof. Code, § 6102, subd. (d)(1) & (2) [felony if entered as felony and elements of offense would constitute felony under California law].) Tiscornia’s conviction was entered as a felony in Oregon. In addition, the elements of the Oregon offense would constitute a felony under California law at the time the offense was committed.

In particular, the criminal record establishes Tiscornia “did unlawfully and knowingly commit theft of money, of the value of \$750 or more . . . .” Tiscornia’s offense is most analogous to grand theft in violation of California Penal Code section 487,<sup>2</sup> which is a “wobbler” offense. (*People v. Crossdale* (2002) 27 Cal.4th 408, 410 [punishable in court’s discretion as either felony or misdemeanor].) “Unless and until a misdemeanor sentence is imposed, a conviction for an offense alternatively punishable as a misdemeanor or a felony, remains a felony for all purposes. [Citation.]” (*People v. Bozigian* (1969) 270 Cal.App.2d 373, 379.) But for disciplinary purposes, if a California crime is charged as a felony and the conviction is entered as a felony, it constitutes a felony irrespective of the punishment imposed. (Bus. & Prof. Code, § 6102, subd. (b); *In the Matter of Jackson* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 610, 613.) In this case, Tiscornia pled to a class C felony, for which the Oregon sentencing statute sets the maximum punishment at five years’ imprisonment in a state facility. (Or. Rev.

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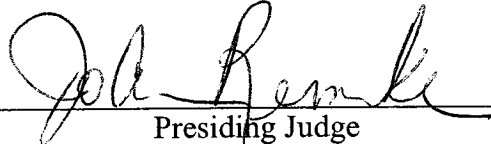
<sup>2</sup> At the time Tiscornia committed his offense in 2007, Oregon first-degree theft required the property taken to total \$750 or more. In 2007, California grand theft required the property taken to total \$400 or more.

Stats. 137.124 and 161.605(3).) Under the circumstances, we find that Tiscornia's conviction is substantially equivalent to a felony conviction of grand theft in California. (Cf. *Ex parte Wolfson* (1947) 30 Cal.2d 20, 32-33 [out-of-state felony constitutes felony for habitual offender determination where equivalent offense is wobbler under California law *if* proof punishment prescribed by law of other jurisdiction consisted of death or imprisonment in state prison].)

Second, Tiscornia's offense of first-degree theft involves moral turpitude per se. (See *In re Basinger* (1988) 45 Cal.3d 1348, 1358 [grand theft necessarily involves moral turpitude].) Thus, Tiscornia's conviction satisfies the two-prongs of the summary disbarment statute.

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 George Victor Tiscornia II, State Bar number 142925, be disbarred from the practice of law in this state. We also recommend that Tiscornia 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.

  
\_\_\_\_\_  
Presiding Judge

**CERTIFICATE OF SERVICE**

[Rules Proc. of State Bar; Rule 5.27(B); 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 March 22, 2012, I deposited a true copy of the following document(s):

**RECOMMENDATION OF SUMMARY DISBARMENT FILED MARCH 22, 2012**

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:

**GEORGE V. TISCORNIA II  
280 COURT ST #290  
PO BOX 549  
SALEM, OR 97308**

- [X] 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 March 22, 2012.

  
\_\_\_\_\_  
**Rosalie Ruiz**  
Case Administrator  
State Bar Court