

FILED

JAN 12 2016

**STATE BAR COURT OF CALIFORNIA
REVIEW DEPARTMENT**

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

IN BANK

In the Matter of)	Case No. 14-C-00071
)	
ERICA RENAE ARCEO,)	RECOMMENDATION OF
)	SUMMARY DISBARMENT
A Member of the State Bar, No. 177462.)	
_____)	

On December 2, 2015, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed its First Amended Request for Summary Disbarment based on Erica Renae Arceo's felony conviction. Arceo did not respond. We grant the request and recommend that Arceo be summarily disbarred.

In December 2013, Arceo plead guilty to a violation of title 18 United States Code section 371 (conspiracy to commit wire fraud). Effective April 23, 2014, Arceo was placed on interim suspension from the practice of law. With its request for summary disbarment, OCTC submitted evidence that the conviction had become final. Specifically, the United States District Court for the Eastern District of California entered an amended judgment on March 18, 2015.

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 both criteria for summary disbarment.



First, Arceo's offense is a felony. (18 U.S.C. § 3559(a) [classifying offenses based on sentencing ranges]; see 18 U.S.C. § 371 [conspiracy punishable with imprisonment up to 5 years].)

Second, her conviction for conspiracy to commit wire fraud involves moral turpitude because it necessarily involves intent to defraud. (*In re Fahey* (1973) 8 Cal.3d 842, 849.) The moral turpitude classification of the crime of conspiracy depends upon the object of the conspiracy. (*In re McAllister* (1939) 14 Cal.2d 602, 603 [if the commission of an offense involves moral turpitude, then a conspiracy to commit the offense would also involve moral turpitude].) The object of Arceo's conspiracy conviction was wire fraud in violation of title 18 United States Code section 1343. Section 1343 provides in pertinent part: "Whoever, having devised or intending to devise any scheme or artifice to defraud . . . transmits or causes to be transmitted by means of wire . . . any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be [guilty of a crime against the United States]." An element of a wire fraud violation is the specific intent to deceive or defraud. (*Odom v. Microsoft Corp.* (9th Cir. 2007) 486 F.3d 541, 554.) Accordingly, Arceo's conviction qualifies her for summary disbarment.

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 Erica Renae Arceo, State Bar number 177462, be disbarred from the practice of law in this state. We also recommend that she be ordered to comply with California Rules of Court, rule 9.20 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.

PURCELL

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 January 12, 2016, I deposited a true copy of the following document(s):

**RECOMMENDATION OF SUMMARY DISBARMENT
FILED JANUARY 12, 2016**

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:

**ERICA R. ARCEO
LAW OFFICE OF ERICA ARCEO
PO BOX 1521
LINCOLN, CA 95648**

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

ALLEN BLUMENTHAL, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 12, 2016.



Jasmine Guladzhyan
Case Administrator
State Bar Court