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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. 14-C-02224
)	
GINO PAUL PIETRO,)	RECOMMENDATION OF
)	SUMMARY DISBARMENT
A Member of the State Bar, No. 129582.)	
_____)	

On January 26, 2016, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed a motion for summary disbarment based on Gino Paul Pietro's felony conviction. Pietro did not respond. We grant the motion and recommend that Pietro be summarily disbarred.

On January 22, 2014, Pietro was convicted of wire fraud in violation of 18 United States Code section 1343. Effective June 18, 2014, Pietro was placed on interim suspension from the practice of law. With its motion for summary disbarment, OCTC submitted evidence that the conviction had become 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 both criteria for summary disbarment.

First, his offense is a felony. (18 U.S.C. §§ 3559(a) [classifying offenses based on sentencing ranges], 1343 [wire fraud punishable with imprisonment up to 20 years].) Second, Pietro's wire fraud conviction involves moral turpitude because it necessarily involves intent to defraud. (*In re Fahey* (1973) 8 Cal.3d 842, 849.) 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, Pietro’s conviction qualifies him 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 Gino Paul Pietro, State Bar number 129582, be disbarred from the practice of law in this state. We also recommend that he 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 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 March 8, 2016, I deposited a true copy of the following document(s):

RECOMMENDATION ON RESIGNATION FILED MARCH 8, 2016

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:

GINO P. PIETRO
1381 WARNER AVE STE F
TUSTIN, CA 92780

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

Charles A. Murray, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 8, 2016.



Rosalie Ruiz
Case Administrator
State Bar Court