

turpitude.” (Bus. & Prof. Code, § 6102, subd. (c).) The record of conviction establishes both criteria for summary disbarment.

First, Hoover’s offenses are felonies. (18 U.S.C. §§ 3559(a) [classifying offenses based on sentencing ranges], 1343 [wire fraud punishable with imprisonment up to 20 years], 371 [conspiracy to commit bankruptcy fraud punishable with imprisonment up to five years].)

Second, Hoover’s convictions involve moral turpitude. Hoover’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.)

Hoover’s conspiracy to commit bankruptcy fraud conviction also involves moral turpitude because it necessarily involves intent to defraud. (*In re Fahey, supra*, 8 Cal.3d at p. 849.) The conspiracy statute makes it a crime to “conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof.” (18 U.S.C. § 371.) Hoover was convicted of conspiring to commit multiple offenses against the United States in or related to bankruptcy proceedings. 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 commission of offense involves moral turpitude, then conspiracy to commit such offense would also involve moral turpitude].) The object of Hoover’s conspiracy was bankruptcy fraud in violation of title 18 United States Code sections 152(1), 152(2), 152(3), 152(4), and 152(7). A violation of each of these sections involves as a material element “knowingly and fraudulently”

acting to either: “conceal[]” (18 U.S.C. § 152(1)); “make[] a false oath or account” (18 U.S.C. § 152(2)); “make[] a false declaration, certificate, verification, or statement under penalty of perjury” (18 U.S.C. § 152(3)); “present[] any false claim” (18 U.S.C. § 152(4)); or “transfer[] or conceal[]” (18 U.S.C. § 152(7)). Accordingly, Hoover’s convictions qualify 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 John Keith Hoover, State Bar number 71259, 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 costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, 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 August 4, 2016, I deposited a true copy of the following document(s):

**RECOMMENDATION OF SUMMARY DISBARMENT
FILED AUGUST 4, 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:


**JOHN K. HOOVER
54 TEA GARDEN
IRVINE, CA 92620**

**COURTESY COPY:
JOHN K. HOOVER
REGISTER #23383-408
USP LOMPOC
U.S. PENITENTIARY
3901 KLEIN BLVD.
LOMPOC, CA 93436**

- [X] 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 August 4, 2016.



Jasmine Gulazhyan
Case Administrator
State Bar Court