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STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of JOHN PATRICK FENNACY, A Member of the State Bar, No. 196665.	))))))	Case No. 15-C-10990 RECOMMENDATION OF SUMMARY DISBARMENT

On April 15, 2016, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed a motion for summary disbarment based on John Patrick Fennacy's felony conviction. Respondent did not respond. We grant the request and recommend that respondent be summarily disbarred.

On October 28, 2015, respondent pled guilty to one count of violating Penal Code section 487, subdivision (a) (grand theft by embezzlement). Effective March 7, 2016, respondent was placed on interim suspension and has remained on interim suspension since then. On April 14, 2016, respondent filed a waiver of finality of his conviction. Therein, respondent acknowledged that upon his waiver OCTC might seek his summary disbarment. Thus, we find respondent's conviction is final for the purposes of attorney discipline. (Bus. & Prof. Code § 6102, subd. (c); Rules Prof. of State Bar, rule 5.344.)

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

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

First, respondent's offense is a felony. (Bus. & Prof. Code, § 6102, subd. (b); Penal Code, §§ 17, 487, 489, 1170, subd. (h).) Second, the crime of grand theft of personal property involves moral turpitude. (*In re Basinger* (1988) 45 Cal.3d 1348, 1358 [grand theft necessarily involves moral turpitude]; see also *In re Paguirigan* (2001) 25 Cal.4th 1, 5 [crimes of robbery, embezzlement, and other forms of theft necessarily involve moral turpitude].)

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, supra*, 25 Cal.4th at p.7.) Disbarment is mandatory. (*Id.* at p. 9.)

We therefore recommend that John Patrick Fennacy, State Bar number 196665, 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. 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 June 3, 2016, I deposited a true copy of the following document(s):

RECOMMENDATION OF SUMMARY DISBARMENT
FILED JUNE 3, 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 P. FENNACY
JOHN P. FENNACY
PO BOX 440
MORRO BAY, CA 93443

[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 June 3, 2016.

Jasmine Guladzhyan
Case Administrator
State Bar Court