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**FEB 15 2019**

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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. 15-C-11251  
)  
KEVIN LEE THOMASON ) RECOMMENDATION OF  
) SUMMARY DISBARMENT  
A Member of the State Bar, No. 190377. )  
\_\_\_\_\_ )

On December 21, 2018, the Office of Chief Trial Counsel of the State Bar (OCTC) filed a request for summary disbarment based on Kevin Lee Thomason's felony conviction for arson. Thomason did not respond. We grant the request and recommend that Thomason be summarily disbarred.

On September 28, 2015, Thomason pled nolo contendere to thirteen counts of violating various Penal Code sections.<sup>1</sup> One count was for a violation of section 451, subdivision (d) (arson of property of another), a felony we have previously classified as involving moral turpitude.<sup>2</sup>

<sup>1</sup> Further references to section(s) are to the Penal Code, unless otherwise stated.

<sup>2</sup> Since we have not classified Thomason's 12 other convictions as involving moral turpitude, we do not include them to justify his summary disbarment. However, to present a complete record of Thomason's criminal convictions, we list them here for reference. Thomason was convicted of the following felonies: two counts of section 71 (threatening a public officer), one count of section 29815 (unlawful firearm activity), two counts of section 69 (resisting an executive officer), two counts of section 422 (criminal threats) one count of section 30305, subdivision (a)(1) (possession of ammunition by prohibited person), and two counts of section 594, subdivision (a) (vandalism over \$400 damage). Thomason was also convicted of the following misdemeanors: one count of section 417, subdivision (a)(2) (drawing or exhibiting a firearm), and one count of section 594, subdivision (a) (vandalism under \$400 damage).

On September 17, 2018, OCTC transmitted evidence that Thomason did not file a notice of appeal within the statutory period following the entry of judgment. Therefore, the convictions are final. (Cal. Rules of Court, rule 9.10(a).) On October 19, 2018, we ordered that Thomason be placed on interim suspension, effective November 13, 2018, pending the final disposition of his proceeding.

After a 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).) Thomason’s record of conviction under section 451, subdivision (d), establishes both criteria for summary disbarment.

First, Thomason’s offense is a felony as it is designated as such in the statute. (Pen. Code, §451(d) [“Arson of property is a felony punishable by imprisonment in the state prison for 16 months, two, or three years”].) Second, Thomason’s felony conviction involves moral turpitude. (*Rodriguez-Herrera v. I.N.S.* (9th Cir. 1995) 52 F.3d 238, 239, fn. 2 [arson necessarily involves moral turpitude]); *People v. Miles* (1985) 172 Cal.App.3d 474, 482 [“The least adjudicated elements of [a conviction of Penal Code section 451] necessarily involve an intent ‘to do evil’ or, in other words, moral turpitude”].) A conviction of arson reveals moral turpitude because “it involves...such a flagrant disrespect for the law or for societal norms, that knowledge of the attorney’s conduct would be likely to undermine public confidence in and respect for the legal profession.” (*In re Lesansky* (2001) 25 Cal.4th 11, 16.) Accordingly, Thomason’s felony 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 Kevin Lee Thomason, State Bar number 190377, 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**

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Presiding Judge

**CERTIFICATE OF SERVICE**

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Court Specialist 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 February 15, 2019, I deposited a true copy of the following document(s):

RECOMMENDATION OF SUMMARY DISBARMENT FILED FEBRUARY 15, 2019

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:

KEVIN L. THOMASON  
OCRA, INC.  
2443 FILLMORE ST STE 380  
SAN FRANCISCO, CA 94115

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

Manuel Jimenez, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 15, 2019.



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Mel Zavala  
Court Specialist  
State Bar Court