

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL
KEVIN TAYLOR, No. 151715
180 Howard Street
San Francisco, California 94105-1639
Telephone: (415) 538-2000

FILED

JAN 25 2018

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

IN THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA

IN THE MATTER OF THE
CONVICTION OF:

DAVID JOHN LONICH,
No. 88784

A Member of the State Bar

) Case No. 17-C-06239
)
) Transmittal of Records of Conviction of Attorney (Bus. & Prof.
) Code §§ 6101-6102; Cal. Rules of Court, rule 9.5 et seq.)
)
) [X] Felony;
) [X] Crime(s) involved moral turpitude;
) [] Probable cause to believe the crime(s) involved moral
) turpitude;
) [] Crime(s) which may or may not involve moral turpitude or
) other misconduct warranting discipline;
) [] Transmittal of Notice of Finality of Conviction.

To the CLERK OF THE STATE BAR COURT:

1. Transmittal of records.

[X] A. Pursuant to the provisions of Business and Professions Code, section 6101-6102 and California Rules of Court, rule 9.5 et seq., the Office of Chief Trial Counsel transmits a certified copy of the record of convictions of the following member of the State Bar and for such consideration and action as the Court deems appropriate:

[] B. Notice of Appeal

[] C. Evidence of Finality of Conviction (Notice of Lack of Appeal)

[] D. Other

kwiktag®

226 164 929



Name of Member: David John Lonich

Date member admitted to practice law in California: November 29, 1979

Member's Address of Record: 960 Doubles Dr., Ste. 112
Santa Rosa, CA 95407

2. Date and court of conviction; offense(s).

The record of conviction reflects that the above-named member of the State Bar was convicted as follows:

Date of entry of conviction: December 18, 2017

Convicting court: United States District Court Northern District Of California

Case number(s): 17-cr-00139 and 14-cr-000139

Crime(s) of which convicted and classification(s):

1. Violation of 18 USC §371, Conspiracy To Commit Bank Fraud, one count (Count No. 1), a felony that involves moral turpitude.
2. Violation of 18 USC §§1344 and 2, Bank Fraud, one count (Count No. 2), a felony that involves moral turpitude.
3. Violation of 18 USC §1349, Conspiracy To Commit Wire Fraud, one count (Count No. 10), a felony that involves moral turpitude.
4. Violation of 18 USC §§1343 and 2, Wire Fraud, five counts (Counts Nos. 11-15), felonies that involve moral turpitude.

The four items above detail convictions that involve a specific intent to commit fraud. Crimes that involve an intent to deceive or defraud are unquestionably moral turpitude. (*Jordan v. DeGeorge* (1951) 341 U.S. 223, 232 [crimes involving intent to defraud unquestionably moral turpitude] and *In re Utz* (1989) 48 Cal.3d 468, 482 [crime involving the specific intent to defraud constitutes moral turpitude, per se]. Additionally, conspiracy involves moral turpitude if the target crime involves moral turpitude. (*In re McAllister* (1939) 14 Cal.2d 602, 603.)

5. Violation of 18 USC §§1957 and 2, Money Laundering, twelve counts (Counts Nos. 19-30), felonies that may or may not involve moral turpitude.
6. Violation of 18 USC §§1005 and 2, False Bank Entries, five counts (Counts Nos. 32-36), felonies that involve moral turpitude. (Specific intent to defraud is element of code section and charging document. See authorities cited above re moral turpitude.)
7. Violation of 18 USC §§1512(c) and 2, Attempted Obstruction Of Justice, one count (Count No. 37), a felony that involves moral turpitude. (*U.S. v. Burge* (2013) 711 F.3d 803 [discussing section 1512(c)(2), violation requires action with corrupt intent to obstruct] and *In re Craig* (1938) 12 Cal.2d 93, 97 [offense of conspiracy to corruptly influence, obstruct, impede, hinder and embarrass the administration of justice involves moral turpitude].)

Items 1 through 4 and 6 may be punished by imprisonment of up to 30 years. These are felonies pursuant to 18 USC 3559(a)(2). Item 5 may be punished by imprisonment of up to five years. This is a felony pursuant to 18 USC 3559(a)(4). Item 7 may be punished by imprisonment of up to 20 years. This is a felony pursuant to 18 USC 3559(a)(3). (Each particular code section violated provides for potential sentence.)

[X] 3. Compliance with Rule 9.20. (Applicable only if checked.)

We bring to the Court's attention that, should the Court enter an order of interim suspension herein, the Court may wish to require the above-named member to comply with the provisions of rule 9.20, California Rules of Court, paragraph (a), within 30 days of the effective date of any such order; and to file the affidavit with the Clerk of the State Bar Court provided for in paragraph (c) of rule 9.20 within 40 days of the effective date of said order, showing the member's compliance with the provisions of rule 9.20.

[X] 4. Other information to assist the State Bar Court

The charges leveled against respondent and those of which he was found guilty, as identified in the attached Verdict Form, were filed under two different criminal court case numbers. Counts 1 and 2, were filed in the attached Superseding Indictment filed in case number 17-cr-00139 on September 7, 2017.

The remaining counts were filed against respondent in the Second Superseding Indictment filed in case number 14-cr-00139 on March 23, 2017.

The 17-cr-00139 Superseding Indictment concludes with count 9 and the 14-cr-00139 Second Superseding Indictment begins with count 10 and continue through 37.

The cases were prosecuted together and produced a single Verdict Form that identifies both case numbers.

CERTIFIED DOCUMENTS TRANSMITTED:

Verdict Form, case nos. 14-cr-00139 and 17-cr-00139, filed December 18, 2017.

Superseding Indictment, case no. 17-cr-00139, filed September 7, 2017.
Indictment, case no. 17-cr-00139, filed March 23, 2017.

Second Superseding Indictment, case no. 14-cr-00139, also filed March 23, 2017.
Superseding Indictment, case no. 14-cr-00139, filed October 27, 2016.
indictment, case no. 14-cr-00139, filed March 18, 2014.

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL

DATED: January 24, 2018

BY: 

Kevin B. Taylor
Senior Trial Counsel

A copy of this transmittal and its
Attachments have been sent to:

David John Lonich
960 Doubles Dr., Ste. 112
Santa Rosa , CA 95407

DECLARATION OF SERVICE BY CERTIFIED MAIL

CASE NUMBER: 17-C-06239

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco, on the date shown below, a true copy of the within

TRANSMITTAL OF RECORDS OF CONVICTION OF ATTORNEY, including:

Verdict Form, case nos. 14-cr-00139 and 17-cr-00139, filed December 18, 2017.
Superseding Indictment, case no. 17-cr-00139, filed September 7, 2017.
Indictment, case no. 17-cr-00139, filed March 23, 2017.
Second Superseding Indictment, case no. 14-cr-00139, also filed March 23, 2017.
Superseding Indictment, case no. 14-cr-00139, filed October 27, 2016.
Indictment, case no. 14-cr-00139, filed March 18, 2014.

in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 9414 7266 9904 2112 6620 89, at San Francisco, on the date shown below, addressed to:

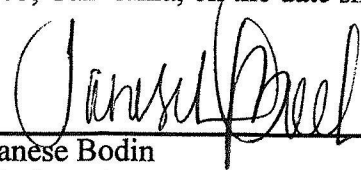
David John Lonich
960 Doubles Dr., Ste. 112
Santa Rosa, CA 95407

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: January 25, 2018

Signed: 

Janese Bodin
Declarant