

FILED

JUN 28 2019

**STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

En Banc

In the Matter of) 18-C-13619
)
ALBERT LOEB BOASBERG) RECOMMENDATION OF
) SUMMARY DISBARMENT
State Bar No. 31205.)
_____)

On May 3, 2019, the Office of Chief Trial Counsel of the State Bar (OCTC) filed a request for summary disbarment based on Albert Loeb Boasberg's felony convictions in San Mateo County Superior Court of California. Boasberg did not respond. We grant the request and recommend that Boasberg be summarily disbarred.

On July 10, 2018, Boasberg pled nolo contendere and the court entered judgment convicting him of two counts of violating Penal Code section 368, subdivision (e) (embezzlement or fraud of an elder dependent adult by a caretaker), and two counts of Penal Code section 550, subdivision (b)(2) (insurance fraud). On August 23, 2018, OCTC transmitted proof of Boasberg's conviction. On September 14, 2018, we ordered that Boasberg be placed on interim suspension, effective October 9, 2018, pending final disposition of this proceeding. On May 3, 2019, OCTC transmitted evidence of finality by providing certified court records, demonstrating that Boasberg did not timely appeal the Superior Court's judgment. Therefore, Boasberg's conviction is now final. (Cal. Rules of Court, rule 9.10(a).)

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).) The record of conviction establishes both criteria for summary disbarment.

First, Boasberg entered a plea to and was convicted of felony violations of Penal Code sections 368, subdivision (e), and 550, subdivision (b)(2). Under the Penal Code, embezzlement or fraud of an elder dependent adult by a caretaker is classified as a felony. (See Pen. Code, § 368, subd. (e)(1) [embezzlement or fraud of an elder by caretaker punishable in county jail not exceeding one year or imprisonment pursuant to Pen. Code, § 1170, subd. (h)]; Pen. Code, § 17, subd. (a) [crime punishable by imprisonment in state prison or imprisonment in county jail under the provisions of Pen. Code, § 1170, subd. (h) is a felony].) Insurance fraud is also a felony under the Penal Code. (See Pen. Code, § 550, subd. (c)(3) [persons violating Pen. Code § 550, subd. (b)(2) punishable by imprisonment pursuant to Pen. Code, § 1170, subd. (h).])

Second, Boasberg’s felony convictions involve moral turpitude because each conviction involves the specific intent to defraud. The crime of embezzlement or fraud of an elder dependent adult by a caretaker necessarily involves the specific intent to defraud. (Pen. Code, § 368, subd. (e)(1).) Insurance fraud also involves the specific intent to defraud. (*People ex rel. Government Employees Insurance Company v. Cruz* (2016) 244 Cal.App.4th 1184, 1193 [“The elements generally necessary to find a violation of Penal Code section 550 are (1) the defendant’s knowing presentation of a false claim, (2) with the intent to defraud”].) Crimes involving the intent to defraud involve moral turpitude per se. (*In re Kelley* (1990) 52 Cal.3d 487, 494].) Accordingly, Boasberg’s felony 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 Albert Loeb Boasberg, State Bar number 31205, 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 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 June 28, 2019, I deposited a true copy of the following document(s):

RECOMMENDATION OF SUMMARY DISBARMENT FILED JUNE 28, 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:

ALBERT LOEB BOASBERG
300 PARK PLAZA DR STE 6
DALY CITY, CA 94015

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

Kevin B. Taylor, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 28, 2019.



Julieta Gonzales
Court Specialist
State Bar Court