FILE NO. A03-1327

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action against ALFRED PEREZ, JR., a Minnesota Attorney, Registration No. 181353.	**FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION FOR DISCIPLINE**

The above-captioned matter came on for hearing before the undersigned referee, appointed by the Minnesota Supreme Court, on February 18, 2004, in the Minnesota Judicial Center, St. Paul, Minnesota. Martin Cole, First Assistant Director, appeared for the Office of Lawyers Professional Responsibility (hereinafter the Director). Respondent Alfred Perez, Jr. appeared *pro se*.

The Director offered seven exhibits, which were admitted into evidence. Respondent offered one exhibit, which also was admitted. Respondent called one live witness, Richard Peralez.

Based upon respondent's answer to the petition, the evidence received at the hearing and the briefs of the parties, the undersigned now, by clear and convincing evidence, makes the following:

FINDINGS OF FACT

1. By indictment dated October 6, 1993, respondent was charged with criminal mail fraud and money laundering in the United States District Court for the Northern District of California in violation of Title 18, United States Code §§ 1341 and 1956. A superceding indictment, alleging eight counts of mail fraud and money laundering was filed on August 8, 1994. Director's Exhibit 1.

2. On October 19, 1994, respondent entered a plea of guilty to four counts of felony mail fraud and money laundering. Respondent was found to have participated

in a scheme to defraud insurers by submitting inflated medical bills in personal injury matters. Director's Exhibits 2 and 3. Respondent was sentenced to five months of monitored home detention, three years probation and a fine of $3,000.

3. Respondent's criminal activity occurred as part of respondent's practice of law.

4. Rule 19(a), Rules on Lawyers Professional Responsibility (RLPR), states:

> A lawyer's criminal conviction in any American jurisdiction . . . is, in proceedings under these Rules, conclusive evidence that the lawyer committed the conduct for which the lawyer was convicted.

5. On January 20, 1995, respondent was suspended from the practice of law in California pending final disposition of lawyer disciplinary proceedings. Director's Exhibit 4. On April 13, 1995, an Order to Show Cause as to why respondent should not be disbarred was issued. Director's Exhibit 5.

6. In October 1995 the California Supreme Court accepted respondent's resignation with charges pending from the California State Bar. Thereupon, disciplinary proceedings were dismissed without prejudice should respondent ever seek reinstatement. Director's Exhibit 6. To date, respondent has never sought reinstatement to the California State Bar.

7. Rule 12(d), RLPR, states:

> Upon learning from any source that a lawyer licensed to practice in Minnesota has been publicly disciplined or is subject to public disciplinary charges in another jurisdiction, the Director may commence an investigation and, without further proceedings, may file a petition for disciplinary action [with] this Court. <u>A lawyer subject to such charges or discipline shall notify the Director</u>. (Emphasis added.)

Respondent failed to ever notify the Director in Minnesota of the California disciplinary proceedings.

8. Since his resignation from the California bar, respondent has continued to practice law in immigration administrative proceedings in Arizona and California. To do so, an attorney must be a member in good standing of the bar in any state.

Respondent has continued to practice immigration law based solely upon his Minnesota license.

9. Respondent has been disciplined in Minnesota. In October 2000 respondent was issued an admonition by the Director for failing to attend an immigration hearing in Arizona on behalf of a client. Director's Exhibit 7.

10. Respondent's answer to the petition contained explanations for his conduct, but no evidence of substantial mitigation.

CONCLUSIONS OF LAW

1. Respondent's conduct of committing mail fraud and money laundering within the practice of law and of failing to notify the Director of the California disciplinary proceedings as required violated Rules 3.4(c), 8.4(b), (c) and (d), Minnesota Rules of Professional Conduct.

RECOMMENDATION FOR DISCIPLINE

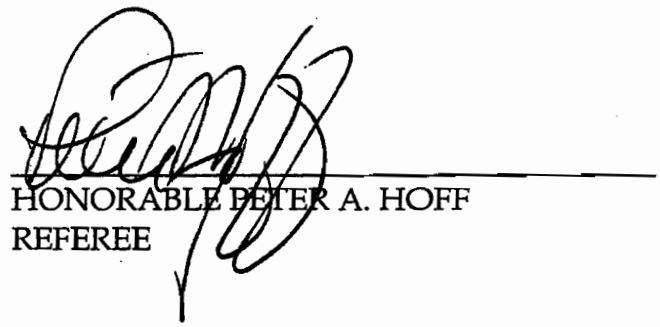
Based upon the above findings of fact and conclusions of law, and based upon prior decisions of the Minnesota Supreme Court, the undersigned recommends:

1. That respondent Alfred Perez, Jr. be disbarred from the practice of law.

2. That respondent be interim suspended pending final determination of the disciplinary proceeding, pursuant to Rule 16(e), RLPR

3. That respondent pay to the Director $900 in costs pursuant to Rule 24(a), RLPR.

Dated: 3-11, 2004.



HONORABLE PETER A. HOFF
REFEREE