

STATE OF NORTH CAROLINA

WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
10 DHC 07

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

SHARYL Y. MASON-WATSON,
Attorney,

Defendant

CONSENT ORDER

Defendant, Sharyl Y. Mason-Watson ('Mason-Watson' or 'Defendant'), was ordered to appear and show cause why the stay of the suspension imposed by the Order of Discipline entered in this case on 18 May 2010 should not be lifted and the suspension activated. This matter was considered by a Hearing Panel of the Disciplinary Hearing Commission composed of Ronald R. Davis, Chair, Renny Deese, and Joseph Barlow Herget pursuant to 27 N.C. Admin. Code 1B §.0114(x). Plaintiff, the North Carolina State Bar ('State Bar' or 'Plaintiff') was represented by Brian P.D. Oten. Defendant represented herself. Defendant waives a formal hearing in this matter and both parties stipulate and consent to the findings of fact and conclusions of law recited in this order and to the disposition imposed. By consenting to the entry of this order, Defendant waives any right to appeal this consent order or to challenge it in any way.

Based upon the pleadings and the consent of the parties, the Hearing Panel hereby finds the following

FINDINGS OF FACT

1. The DHC has jurisdiction to hear this matter pursuant to 27 N.C.A.C. Chapter 1B §.0108(a)(1) and §.0109(1).
2. On 18 May 2010, the DHC entered an Order (hereinafter "Order of Discipline") finding that Mason-Watson had violated the Rules of Professional Conduct in several respects.
3. The Order of Discipline suspended Mason-Watson's license to practice law for two years and stayed the suspension for three years on condition that Mason-Watson comply with the requirements set out in the Order of Discipline.
4. The Order of Discipline was served on Mason-Watson on 21 May 2010.

5. Mason-Watson has failed to comply with a number of the conditions of the stay of the suspension of her license as follows:

- a. Although Mason-Watson retained a Certified Public Accountant who was to provide the State Bar with semi-annual reports confirming Mason-Watson's trust accounting practices are in compliance with the Rules of Professional Conduct as required by paragraph 2(b) of the Order of Discipline, Mason-Watson did not pay the retained CPA in full for her services, which prevented the CPA from providing the State Bar with the required semi-annual reports;
- b. Mason-Watson failed to meet with her practice monitor once per month and failed to ensure the practice monitor sent quarterly reports to the State Bar as required by paragraphs 2(c) & (d) of the Order of Discipline;
- c. Mason-Watson failed to pay all State Bar Membership dues and failed to comply with all continuing legal education requirements. Specifically, Mason-Watson failed to pay her 2011 membership dues, failed to complete the required twelve hours of continuing legal education courses during 2011, and failed to pay CLE attendance fees as required by paragraph 2(h) of the Order of Discipline; and
- d. Mason-Watson failed to accept all certified mail from the State Bar and respond to all requests for information by the deadlines stated in the communication or within fifteen days of receipt of such communication, whichever was later, as required by paragraph 2(i) of the Order of Discipline. Specifically, Mason-Watson failed to accept at least four separate certified mailings from the State Bar between July 2011 and May 2012 and failed to respond to a January 2012 request for information.

Based upon the foregoing Findings of Fact, the panel enters the following

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant, Sharyl Y. Mason-Watson, and over the subject matter of this proceeding.
2. Mason-Watson failed to comply with the following conditions of the stay of her suspension contained in the Order of Discipline:
 - a. That she provide the State Bar with semi-annual reports from a Certified Public Accountant confirming Mason-Watson's trust accounting practices are in compliance with the Rules of Professional Conduct;
 - b. That she meet with her practice monitor once per month and ensure the practice monitor sends the State Bar quarterly reports;

- c. That she pay all State Bar membership dues and comply with all continuing legal education requirements; and
 - d. That she accept all certified mail from the State Bar and timely respond to all requests for information.
3. Such violations warrant activation of the suspension imposed by the Order of Discipline with conditions imposed upon Mason-Watson's reinstatement after the period of active suspension is over.


Based upon the foregoing Findings of Fact and Conclusions of Law and upon the consent of the parties, the Hearing Panel enters the following

ORDER


1. The stay of the suspension of the law license of Sharyl Y. Mason-Watson is lifted and her license to practice law in the State of North Carolina is hereby suspended for a period of two years.
2. Mason-Watson shall submit her license and membership card to the Secretary of the North Carolina State Bar no later than thirty (30) days following the date that this Order is served upon her. Mason-Watson shall comply with the wind down provisions contained in Rule .0124 of the North Carolina State Bar Discipline and Disability Rules, located at 27 N.C. Admin. Code 1B § .0124.
3. Upon completing the two-year active period of suspension and prior to being reinstated to the practice of law in North Carolina, Mason-Watson must provide in her application for reinstatement clear, cogent, and convincing evidence of the following:
 - a. That she has complied with the general provisions for reinstatement listed in 27 N.C. Admin. Code 1B § .0125 of the North Carolina State Bar Discipline & Disability Rules;
 - b. That she has disbursed all funds remaining in her trust account to the rightful owner(s) of such funds or escheated abandoned funds to the State, whichever is appropriate, in accordance with the Rules of Professional Conduct and within sixty (60) days of entry of this Order;
 - c. That she has complied with and is up to date on all membership and continuing legal education requirements imposed by the State Bar;
 - d. That she has accepted all certified mail from the State Bar and responded to all requests for information from the State Bar by the deadlines stated in the communication or within fifteen days of receipt of such communication, whichever is later;

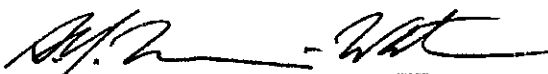
- e. That she has kept the State Bar Membership Department advised of her current home and/or business physical addresses (not P.O. Box) and current telephone number(s); and
- f. That she paid all costs associated with this case, as assessed by the Secretary, within ninety (90) days after service of the statement of costs on her.

26th Signed by the Chair with the consent of the other Hearing Panel members, this the
day of November, 2012.


Ronald R. Davis, Chair
Disciplinary Hearing Panel

CONSENTED TO BY:


Brian P.D. Oten
Deputy Counsel
North Carolina State Bar
Counsel for Plaintiff


Sharyl Y. Mason-Watson
Defendant