

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
17G0945

IN THE MATTER OF)	
)	CENSURE
SCOTT H. SHELTON,)	
ATTORNEY AT LAW)	

On January 25, 2018, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by L. B. The grievance was assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of this matter.

Pursuant to section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Subcommittee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Subcommittee found probable cause. Probable cause is defined in the rules as "reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action."

The rules provide that after a finding of probable cause, the Grievance Committee may determine that the filing of a complaint and a hearing before the Disciplinary Hearing Commission are not required and the Grievance Committee may issue various levels of discipline depending upon the misconduct, the actual or potential injury caused, and any aggravating or mitigating factors. The Grievance Committee may issue an admonition, a reprimand, or a censure.

A censure is a written form of discipline more serious than a reprimand, issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused significant harm or potential significant harm to a client, the administration of justice, the profession or a member of the public, but the misconduct does not require suspension of the attorney's license.

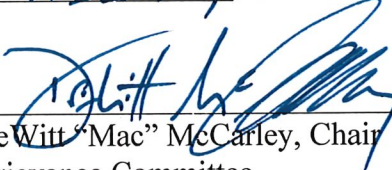
The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

You handled a real estate closing in which L.B. was the purchaser. At the closing, you collected funds for the premium on a home warranty policy. Subsequently, L.B. had need for the home warranty and discovered that the premium had not been paid. L.B. tried to contact you numerous times and you did not return her calls. L.B. called you from a different number and you answered the call. After L.B. identified herself, you told her to hold on and stated that you would get Mr. Shelton. You never returned to the phone. Your failure to communicate with L.B. in response to her calls violated Rule 1.4(a)(3) and (4) of the Rules of Professional Conduct. The Grievance Committee accepted your explanation that the check for the home warranty was not honored because your trust account was frozen as a result of the preliminary injunction. However, your failure to take corrective action when you became aware of the problem caused harm to your client and violated Rule 1.3. Your misrepresentation as to your identity in the phone call with L.B. violated Rule 8.4(c).

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

In accordance with the policy adopted July 23, 2010 by the Council of the North Carolina State Bar regarding the taxing of administrative fees and investigative costs to any attorney issued a censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 22 day of FEBRUARY, 2018.



DeWitt "Mac" McCarley, Chair
Grievance Committee
The North Carolina State Bar

DM/lb