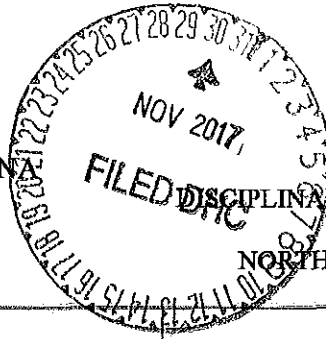


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
15 DHC 27 SC

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

JEFFREY D. SMITH, Attorney,

Defendant

ORDER

THIS MATTER was heard on 16 November 2017 before a Hearing Panel of the Disciplinary Hearing Commission composed of Fred M. Morelock, Chair, and members Donald C. Prentiss and Christopher R. Bruffey, upon order issued by the DHC to Defendant, Jeffrey D. Smith, to appear and show cause why the stay of the suspension previously imposed by the Order of Discipline entered in this case should not be lifted and the suspension activated. Jennifer A. Porter represented Plaintiff, the North Carolina State Bar. Defendant, Jeffrey D. Smith, appeared *pro se*.

Based upon the pleadings and the stipulated facts and with the consent of the parties, the Hearing Panel finds by the greater weight of the evidence the following

FINDINGS OF FACT

1. On September 18, 2015, an Order of Discipline (hereinafter "the Order") was entered in this matter. Defendant, Jeffrey D. Smith ("Smith") accepted service of the Order on October 1, 2015.

2. The Order imposed a two year suspension stayed for three years. The stay of the suspension was conditioned upon compliance with the conditions stated in the Order. The Order went into effect on October 31, 2015, 30 days following service.

3. Smith has failed to comply with the following conditions of the Order, in the following manner.

a. Paragraph 1.a. of the Order, beginning on page 5:

i. This condition required Smith to provide the State Bar each month with an accurate three-way reconciliation as described in the State Bar Lawyer's Trust Account Handbook for all trust accounts maintained by him, using the form prepared by the State Bar's Trust Account Compliance Counsel. Smith was required to provide the three-way

reconciliation report, accurate client ledgers for all clients with funds in the trust account(s) during that month, ledger for any personal funds maintained in the trust account(s) for bank or credit card fees, his trust account ledger, and the bank statements, cancelled checks, and deposit slips for each month. These documents were due to the State Bar on the 15th day of each following month – for example, the three-way reconciliation for the month of January was due on February 15.

- ii. Smith's first three-way reconciliation with the associated documentation was due on November 15, 2015, for the month of October 2015.
- iii. Smith provided no three-way reconciliation report or associated documentation on November 15, 2015.
- iv. On December 16, 2015, the undersigned counsel talked with Smith by telephone. Counsel guided Smith to where the required three-way reconciliation form was located on the State Bar's website. Smith stated he would get the overdue reconciliation to the State Bar within the next few days.
- v. Smith provided no three-way reconciliation report or associated documentation in December 2015.
- vi. Smith provided no three-way reconciliation reports or associated documentation from the effective date of the Order in October 2015 through December 2016.
- vii. In January 2017, the State Bar communicated with Smith regarding his failure to comply with this condition and set due dates to provide the outstanding reconciliations and associated documents.
- viii. Beginning in February 2017, Smith began providing reconciliation documentation. The materials Smith provided were incomplete, however. He did not use the required State Bar three-way reconciliation form with all reconciliations and he did not provide all of the required associated documentation, including the client ledgers, the general ledger, and the deposit slips.
- ix. In April and May 2017, the State Bar communicated with Smith on multiple occasions regarding items needed to come into compliance with the Order's conditions.
- x. In April and May 2017, Smith provided partial responses but no fully compliant three-way reconciliations with all required associated documentation.
 - 1. For example, on April 19, 2017, Smith provided the State Bar with three-way reconciliations for January, February, and March 2017. None included the required State Bar three-way reconciliation

form. None included the required deposit slips. None included complete client ledgers. None included a proper general ledger with running balance that included an account balance carried over from the prior month for the trust account or a total balance for the trust account as of the end of the month.

2. On May 16, 2017, Smith provided a three-way reconciliation for April 2017. This reconciliation included the State Bar's form, but it was signed only by his bookkeeper and not by him as required. This reconciliation also lacked deposit slips, client ledgers, and a proper general ledger.
3. On May 23, 2017, Smith provided revised reconciliations from September 2014 through April 2017. Smith provided the required State Bar three-way reconciliation form for each month, but each was signed only by his bookkeeper and not by Smith. These reconciliations contained client balance lists with negative balances, including differing client balance lists than had previously been provided for January through April 2017. Although the negative balances were noted on the three-way reconciliation form as required, the required explanation and corrective action was not included with any of these reconciliations. As of the April 2017 revised reconciliation report, these negative balances remained outstanding. Additionally, these revised reconciliations still lacked required supporting documentation, including client ledgers, a proper general ledger, and deposit slips.
4. On May 31, 2017, Smith provided the State Bar's three-way reconciliation forms for September 2014 through April 2017 signed by both him and his bookkeeper.
5. On June 15, 2017, Smith provided a three-way reconciliation for May 2017. He provided the State Bar's form, but again it was signed only by his bookkeeper and not by him. He continued to show an uncorrected negative balance. He provided no deposit slips, no client ledgers, and no running general ledger.
6. This condition requires that the reconciliations Smith provides to the State Bar be accurate. Due to the lack of required associated documentation as well as the conflicting client balance lists, it is unknown if any of the reconciliations provided are accurate.

b. Paragraph 1.b. of the Order, on page 6:

- i. This condition required Smith to provide the State Bar each quarter with a CPA audit of his trust accounts. The audit was required to assess whether Smith had in his trust account the client funds he should be maintaining for his clients at that time, as well as Smith's

compliance with Rule 1.15-2 and Rule 1.15-3 of the North Carolina Rules of Professional Conduct. The CPA's audit was required to include addressing the items on the form provided by the State Bar to Smith. The quarterly audit reports from the CPA were due no later than 30 days after the end of the quarter – for example, the CPA audit for the first quarter of the calendar year (January, February, and March) was due on April 30.

- ii. Smith provided no CPA reports from the effective date of the Order in October 2015 through December 2016.
- iii. In January 2017, the State Bar communicated with Smith regarding his failure to comply with this condition, provided the CPA report form in electronic fillable form to Smith, and set due dates in February 2017 for Smith to provide the outstanding CPA reports.
- iv. Smith provided no CPA reports to the State Bar in February 2017.
- v. On April 26, 2017, Smith's CPA provided the State Bar with a CPA report. The CPA report was only for the first quarter of 2017. The only document provided by the CPA was the State Bar's form. The CPA's responses on the State Bar form were deficient in the following ways:
 - 1. The CPA erroneously indicated Smith had no entrusted property in his evaluation of compliance with Rules 1.15-2(a), 1.15-2(d), 1.15-2(k), 1.15-2(m), 1.15-2(n), 1.15-2(o), 1.15-2(p), 1.15-2(r), and 1.15-3(g). Since Smith maintained a trust account and handled client funds, he had entrusted property.
 - 2. The CPA failed to review any documentation to determine whether Smith had complied with Rule 1.15-2(l) requiring a bank directive on file instructing the bank to notify the State Bar of any instrument drawn on the trust account against insufficient funds.
 - 3. The CPA failed to distinguish between the two types of reconciliations that Rule 1.15-3(d) required Smith to do, and failed to assess whether Smith was conducting either type of reconciliation.
 - 4. The CPA failed to assess whether Smith was providing the accountings required by Rule 1.15-3(e).
 - 5. The CPA erroneously indicated that Rule 1.15-3(i) was not applicable and failed to assess whether Smith was conducting the required monthly and quarterly reviews described in this rule.

6. The CPA failed to do any assessment for the part of the form for Rule 1.15-4.
- ii. In a letter dated May 8, 2017, the State Bar brought these deficiencies to Smith's attention. The State Bar set a due date of May 30, 2017 for Smith to provide a corrected CPA report for the first quarter of 2017, and a due date of June 30, 2017 for the CPA to provide the outstanding reports for the prior quarters.
- iii. Smith did not provide any CPA reports by May 30, 2017 or by June 30, 2017.
- iv. Smith's CPA provided the State Bar with a revised report for the first quarter of 2017 by e-mail on July 21, 2017. The report noted several deficiencies in Smith's compliance with Rule 1.15-2 and 1.15-3.
- c. Paragraph 1.c. of the Order, on page 6:
 - i. This condition required Smith to take remedial action within 10 days of the date of any three-way reconciliation report or CPA audit that revealed any deviation from Defendant's obligations under Rule 1.15-2 or Rule 1.15-3, and to provide documentation showing the remedial action to the State Bar within 2 days of the date of the remedial action.
 - ii. The reconciliation reports that Defendant submitted to the State Bar on May 23, 2017 showed Defendant had negative client balances and a resulting deficit in his trust account, including through April 30, 2017. See SC Exhibit 3, three-way reconciliation form for April 2017. The same negative balance was shown on the version of the April 2017 three-way reconciliation form that Defendant signed, which he provided to the State Bar on May 31, 2017. See SC Exhibit 4. The April 2017 three-way reconciliation reports indicated that Smith did not have sufficient funds in his trust account for all client funds he should have been maintaining at that time.
 - iii. Smith did not take remedial action to cure the trust account deficit and negative balances shown in the three-way reconciliation reports he submitted to the State Bar in May 2017, nor did he provide any documentation of remedial action to the State Bar.
 - iv. On June 15, 2017, Smith submitted a three-way reconciliation report to the State Bar for May 2017. This three-way reconciliation indicated that as of May 31, 2017 he still had negative client balances and a deficit in his trust account, with insufficient funds in his trust account for all client funds he should have been maintaining at that time.
 - v. As of the date of the filing of the State Bar's Motion for Order to Show Cause, Smith had not provided the State Bar with any

documentation of remedial action taken to cure the trust account deficit and negative balances shown in the three-way reconciliation reports he submitted to the State Bar.

- vi. In his July 21, 2017 report for the first quarter of 2017, the CPA noted several deficiencies in Smith's compliance with Rule 1.15-2 and 1.15-3. Smith provided the State Bar with no evidence of remedial action to cure the deficiencies noted by the CPA.

d. Paragraph 1.e. of the Order, on page 6:

- i. This condition required Smith to identify the clients to whom belonged the funds Smith had transferred to his BB&T trust account from his Wells Fargo trust account upon closure of the Wells Fargo account. This identification was due no later than January 31, 2016, three months after the effective date of the Order. Smith was required to include in this identification the names and addresses of all clients whose funds were included in the transferred funds, the amount of funds being held per client, the proper recipient(s) of the funds, the amount that should be disbursed per recipient, and the address for each such recipient. Smith was required to include complete, accurate, and legible client ledgers for each client identified, with all client ledgers accurately showing all deposits and disbursements of funds for the client, the dates of such deposits or disbursements, the check numbers associated with any disbursements, the amounts of all deposits and disbursements, and any remaining balance, along with the corresponding bank records showing the deposits and disbursements.
- ii. Smith did not provide the client identification and associated information and documents required by this condition.
- iii. In January 2017, the State Bar brought Smith's failure to comply with this condition to Smith's attention, and set a deadline of March 31, 2017 for Smith to comply with this condition.
- iv. Smith did not provide the client identification and associated information and documents required by this condition by March 31, 2017.
- v. In a letter dated April 7, 2017, the State Bar brought Smith's failure to comply with this condition by the extended deadline to Smith's attention and set a deadline of April 30, 2017 for Smith to cure this non-compliance.
- vi. On May 1, 2017, Smith e-mailed the State Bar a document on which he provided some of the information required by this condition for a fraction of the transferred funds.

- vii. On May 2, 2017, the State Bar provided Smith with an Excel spreadsheet containing columns for all of the information required by this condition for Smith to use to supply all of the information required by this condition.
 - viii. On May 10, 2017, Smith provided an updated version of the State Bar's spreadsheet on which he identified the clients to whom the majority of the transferred funds belonged. Smith failed to provide the recipient addresses. Smith also failed to provide the client ledgers with supporting bank documentation.
 - ix. On June 26, 2017, Smith provided addresses for many of the recipients he had previously identified. He had not identified the clients to whom the remaining funds belonged. He did not provide the client ledgers with supporting bank documentation.
 - x. Additionally, although the actual amount of funds transferred from the Wells Fargo trust account to the BB&T trust account in March 2014 was \$36,861.08, Smith's revised reconciliations, provided on May 23, 2017, reduced this amount to \$36,567.08 without explanation.
 - xi. Without the client ledgers and supporting bank documentation, Smith's identifications cannot be verified. Additionally, \$825.34 of the transferred funds remains unidentified, based on the spreadsheet Smith provided to the State Bar.
- e. Paragraph 1.f. of the Order, on page 7:
- i. This condition required Smith to remedy any deficits in his trust account, as established by his CPA or by the State Bar, no later than four months after the effective date of the Order.
 - ii. Although it was his bookkeeper who identified the negative client balances and deficit in his trust account, rather than the State Bar or his CPA, Smith still failed to remedy the deficit as discussed in more detail under paragraph c above.
- f. Paragraph 1.g. of the Order, on page 7:
- i. This condition required Smith to disburse all funds in his trust account that may appropriately be disbursed and to initiate escheatment for all funds that should appropriately be escheated no later than four months after the effective date of the Order. This condition required Smith to provide the Office of Counsel with documentation showing all such actions, with corresponding client ledgers. For any funds for which no action was taken, Smith was required to identify, per client, the funds in his trust account, the proper recipient of such funds, and when and/or under what circumstances those funds will be disbursed or escheated, and provide the client ledger for such client.

- ii. Smith has not provided the State Bar with the information and documentation required by this condition.
- iii. Comparison of the client balance list Smith provided with his revised October 2015 reconciliation, which was the last month his trust account was frozen under the injunction then in place, and with the client list Smith provided with his May 2017 reconciliation showed that the vast majority of the funds held as of October 31, 2015 had not been disbursed as of May 31, 2017.

g. Paragraph 1.n. of the Order, on page 8:

- i. This condition requires that Smith not violate any of the Rules of Professional Conduct in effect during the period of the stay. Smith violated the Rules of Professional Conduct during the stayed suspension, including as set out below.
- ii. Rule 1.15-2(a) requires an attorney to identify, hold, and maintain entrusted funds separate from the attorney's property and to deposit, disburse, and distribute the funds only in accordance with Rule 1.15. Rule 1.15-2(n) requires an attorney to promptly pay or deliver to the client or to third persons as directed by the client any entrusted property belonging to the client and to which the client is currently entitled. Smith violated these rules as follows:
 - 1. Smith provided the State Bar with information and documents after the State Bar filed its Motion for Order to Show Cause by which he identified the clients with negative balances and provided client ledgers and documents establishing the time period during which the overdisbursements occurred and establishing his reimbursement of the trust account. The overdisbursements occurred prior to entry of the Order of Discipline, as did certain of the reimbursements. Other reimbursements, however, did not occur until August 2017. The evidence establishes that by failing to remedy all negative balances in a timely manner, Smith failed to properly maintain entrusted funds in violation of Rule 1.15-2(a).
 - 2. Smith's failure to disburse funds held in his trust account since October 2015 is a violation of Rule 1.15-2(n).
 - 3. Smith's failure to identify the clients for whom he held entrusted funds in his trust account is in violation of Rule 1.15-2(a).
 - (a) Smith's failure to identify the funds transferred from the Wells Fargo trust account extended from the time the funds were transferred in March 2014 through May 11, 2017 for the majority of the transferred funds, and \$825.34 was still unidentified as of the last submission from Smith.

- (b) From October 2015 through at least February 13, 2017, Smith had failed to identify the clients to whom belonged over \$8,000.00 of funds in his BB&T trust account, in addition to the unidentified \$36,861.08 transferred from the Wells Fargo account. The reports Smith produced after February 27, 2017 identified most of that approximate \$8,000 of client funds.
- iii. Rule 1.15-3(d) requires an attorney to conduct monthly and quarterly reconciliations of his trust account, and to review, sign, and maintain those reports. Smith was not conducting the required reconciliations of his trust account from October 2015 through February 2017. Furthermore, he did not sign the reconciliation reports he provided to the State Bar on February 14, 2017, March 16, 2017, May 16, 2017, and June 15, 2017.
- iv. Rule 1.15-3(i) requires an attorney to conduct certain monthly and quarterly reviews and then create and maintain a report of each review that describes the review and any remedial action. According to the CPA's reports, Mr. Smith had not done the required monthly or quarterly reviews until the second quarter of 2017.

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant and over the subject matter of this proceeding.
2. Defendant failed to comply with the above detailed conditions of the stay of his suspension.

ADDITIONAL FINDINGS AND CONCLUSIONS

1. Pursuant to 27 N.C. Admin. Code 1B.0118(a)(4), upon finding by the greater weight of the evidence that Defendant has violated conditions of the stay of the suspension, the Hearing Panel may activate the suspension, may allow the stay to remain in effect, may extend the term of the stay, and may include modified or additional conditions for the suspension to remain stayed.
2. The conduct at issue in the Order of Discipline entered in this case stemmed from Defendant's inattention to his trust account and his failure to fulfill his trust account obligations. The evidence shows that Defendant's attention to his trust account and his compliance with his trust account obligations is still deficient. This poses the same risk of significant potential harm as was posed by his original conduct.
3. Defendant provided no documents to the State Bar in 2016 and throughout 2017 has not provided all documents required by the Order of Discipline.
4. Although Defendant has not provided all documents required by the Order of Discipline in 2017, nonetheless he has provided thousands of pages of records to the

State Bar throughout 2017, including three different versions of reconciliations covering the time periods of 2012 through 2017. Defendant's production included a vast amount of documentation that was not required by the Order of Discipline. The differing versions of reconciliations, the voluminous non-responsive documents, and the failure to provide required documents and information have impaired the ability of the State Bar to engage in the oversight designed by the Order. However, Defendant's extensive document production is evidence of Defendant's attempts in 2017 to come into compliance with the conditions of the stay of his suspension.

5. Despite Defendant's current attempts, however, his recent reconciliations submitted to the State Bar still lacked all required documentation, and he still has not come into compliance with the terms of the Order requiring the identification of all entrusted funds and the disbursement of funds.

6. Defendant reports having had difficulty understanding what he is required to produce to the State Bar by the Order of Discipline and where his production has been deficient, despite the numerous communications to him from the State Bar addressing these topics.

7. Defendant has identified a person knowledgeable of and experienced with attorney trust account management who has agreed to serve as a compliance monitor to assist him with compiling and providing the State Bar with the documents and information required by the Order of Discipline and this Order.

8. The Hearing Panel finds reason to believe that utilization of a compliance monitor by Defendant may result in Defendant's compliance with the conditions of the stay of his suspension.

THEREFORE, based upon the foregoing Findings of Fact, Conclusions of Law, and Additional Findings and Conclusions, the Hearing Panel enters the following

ORDER

1. The stay of Defendant's two year suspension is extended for an additional three years, with a new ending date of October 31, 2021.

2. The conditions for the stay of Defendant's suspension are modified as follows:

- a. By November 30, 2017, Defendant shall provide the State Bar with the written agreement of an individual committing to serve as a compliance monitor for Defendant and to fulfill the duties set out herein. The monitor must be a person with experience with the management of attorney trust accounts. The choice of monitor is subject to the approval of the State Bar. The monitor must agree to gain an understanding satisfactory to the State Bar of what Defendant is required to produce to the State Bar under

the terms of the Order of Discipline and this Order, and to facilitate proper and timely production of required documents to the State Bar. The monitor shall act as an intermediary to ensure that what Defendant produces to the State Bar is timely and consists of the pertinent documents in the form and with the content required. If the monitor cannot gain an understanding of Defendant's obligations satisfactory to the State Bar, then the State Bar will so notify Defendant and Defendant shall make alternate arrangements and provide a written agreement to the State Bar from a new monitor within 10 days of the notice to Defendant from the State Bar. Likewise, if the chosen monitor becomes unable to continue serving in this role, Defendant shall make alternate arrangements and provide a written agreement to the State Bar from the new monitor within 10 days of notice to Defendant from the prior monitor. Defendant shall be solely responsible for any expenses associated with this arrangement.

- b. By December 31, 2017, Defendant shall provide the State Bar with a set of documents for each month from October 2015 to November 2017, inclusive, with each set of documents containing the following, in the following order:
 - 1) A completed accurate North Carolina State Bar three-way reconciliation form signed by Defendant for the pertinent month.
 - 2) A general ledger, containing a beginning balance that carries over the ending balance from the month prior and contains in chronological order an entry for every deposit and disbursement from the trust account in the pertinent month and a running balance.
 - 3) A client balance list with total, identifying all funds that should be held in the trust account for clients in that month, identifying each client and the amount per client.
 - i. This list shall include entries per client of any identifiable funds in the amount transferred from the now-closed Wells Fargo trust account to the current BB&T trust account on March 26, 2014. To the extent the funds transferred from the Wells Fargo trust account were funds from outstanding checks issued in client matters from the now-closed Wells Fargo trust account, such funds shall be considered and shown as a balance now being maintained for any such client in Mr. Smith's current trust account unless and until properly disbursed from the current trust account.
 - 4) Accurate client ledgers for every client who had funds in the trust account in the pertinent month, including funds that were

transferred from the Wells Fargo trust account. Such client ledgers shall contain entries for all deposits and disbursements per client through the end of the applicable month, in chronological order, with deposits shown as positive figures and disbursements shown as negative figures, with a running balance, and shall be printed from the same software system from which the client balance list used in the reconciliation is printed.

- 5) An office ledger showing any funds belonging to Defendant used to open the account or for account maintenance, containing entries for all deposits, disbursements, and transfers to client ledgers to remedy prior deficits as applicable.
 - 6) The bank statement, all cancelled checks, and all deposit slips, deposit receipts, or other deposit documentation for the month.
- c. The due date for the reconciliations and documents due under paragraph 1.a. of the Order of Discipline is modified from the 15th day of each subsequent month to the 20th day of each subsequent month.
- d. Beginning with the reconciliation for December 2017 due on January 20, 2018 under paragraph 1.a. on page 5-6 of the Order of Discipline and the above modification, each reconciliation produced in accordance with paragraph 1.a. of the Order of Discipline shall contain the content detailed in the preceding paragraph in the order set out in that paragraph, to wit:
- 1) A completed accurate North Carolina State Bar three-way reconciliation form signed by Defendant for the pertinent month.
 - 2) A general ledger, containing a beginning balance that carries over the ending balance from the month prior and contains in chronological order an entry for every deposit and disbursement from the trust account in the pertinent month and a running balance.
 - 3) A client balance list with total, identifying all funds that should be held in the trust account for clients, identifying each client and the amount per client.
 - i. This list shall include entries per client of any identifiable funds in the amount transferred from the now-closed Wells Fargo trust account to the current BB&T trust account on March 26, 2014. To the extent the funds transferred from the Wells Fargo trust account were funds from outstanding checks issued in client matters from the now-closed Wells Fargo trust account, such funds shall be considered and

shown as a balance now being maintained for any such client in Defendant's current trust account unless and until properly disbursed from the current trust account.

- 4) Accurate client ledgers for every client who had funds in the trust account in the pertinent month, including funds that were transferred from the Wells Fargo trust account. Such client ledgers shall contain entries for all deposits and disbursements per client through the end of the applicable month, in chronological order, with deposits shown as positive figures and disbursement shown as negative figures, with a running balance, and shall be printed from the same software system from which the client balance list used in the reconciliation is printed.
 - 5) An office ledger showing any funds belonging to Defendant used to open the account or for account maintenance, containing entries for all deposits, disbursements, and transfers to client ledgers to remedy prior deficits as applicable.
 - 6) The bank statement, all cancelled checks, and all deposit slips, deposit receipts, or other deposit documentation for the month.
- e. Defendant shall not disburse any funds from the amount transferred on March 26, 2014 from the Wells Fargo trust account to his current trust account until he has provided the State Bar with the information and documents itemized in paragraph 1.e. of the Order of Discipline (page 6).
 - f. Paragraph 1.f. of the Order of Discipline (page 7) is modified to require that Defendant shall remedy any deficit in his trust account within 10 days of the notice to him of any such deficit from any source, and shall provide the State Bar with documentation of his remedial action with 5 days of such action.
 - g. By January 15, 2018, Defendant shall provide the State Bar with the information and documents itemized in paragraph 1.e. of the Order of Discipline (page 6) for all funds identified on the spreadsheet he provided the State Bar on June 26, 2017. If he lacks any of the required documentation for a specific identification of funds for a client, he shall describe what is missing, what actions he is taking to recover the missing documentation, and shall provide any and all documentation he has that substantiates the identification of funds at issue.
 - h. By January 31, 2018, Defendant shall have complied with paragraph 1.g. of the Order of Discipline (page 7).

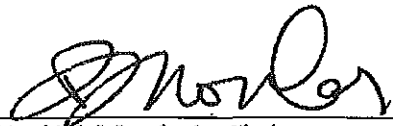
- i. Paragraphs 1.h. through 1.p. of the Order of Discipline (pages 7-8) remain in effect as originally written.

3. Paragraph 3 of the Order of Discipline (page 8) is modified to reflect that the stay of the suspension is extended for three years, and that Defendant's obligations under the Order of Discipline will continue until six years from the effective date of the Order of Discipline absent the occurrences set out in that paragraph.

4. Pursuant to 27 N.C. Admin. Code 1B.0118(a)(4), Defendant is taxed with the administrative fees and costs of this proceeding.

5. Pursuant to 27 N.C. Admin. Code 1B.0118(a), the DHC will retain jurisdiction of this matter until all conditions in the Order of Discipline and this Order are satisfied.

30th Signed by the Chair with the consent of the other Hearing Panel members, this the
day of November 2017.



Fred M. Morelock, Chair
Disciplinary Hearing Panel