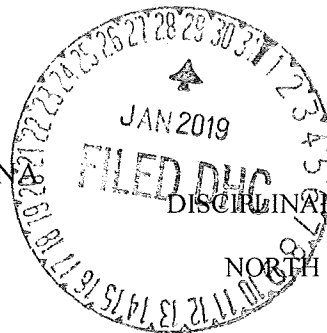


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
18 DHC 28

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

CHRISTOPHER ALBERT STELLA,
Attorney,

Defendant

CONSENT ORDER OF
DISCIPLINE

This matter was considered by a Hearing Panel of the Disciplinary Hearing Commission ("DHC") composed of David W. Long, Chair, and members, Stephanie N. Davis and Christopher R. Bruffey, pursuant to North Carolina Administrative Code, Title 27, Chapter 1, Subchapter B, § .0115(i). Plaintiff was represented by Barry S. McNeill, Deputy Counsel for the North Carolina State Bar ("Plaintiff" or "State Bar"). Defendant, Christopher Albert Stella ("Defendant" or "Stella"), was represented by Alan M. Schneider, Cheshire, Parker, Schneider & Bryan, PLLC, Raleigh, North Carolina. Both Plaintiff and Defendant stipulate and agree to the findings of fact and conclusions of law recited in this Consent Order of Discipline and to the discipline imposed. Defendant has freely and voluntarily stipulated to the findings of fact and consents to the conclusions of law and entry of the order of discipline. Defendant freely and voluntarily waives any and all right to appeal the entry of this Consent Order of Discipline.

Based upon the pleadings in this matter, the parties' stipulations of fact, and with the consent of the parties, the Hearing Panel hereby enters the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar ("State Bar"), is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar (Chapter 1 of Title 27 of the North Carolina Administrative Code).

2. Defendant was admitted to the State Bar on October 10, 2017, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina,

subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar, and the Rules of Professional Conduct.

3. During all or part of the relevant periods referred to herein, Defendant was licensed to practice law in his domicile of Guilford County, North Carolina.

4. On the early afternoon of Thursday, October 19, 2017, at approximately 1:30 p.m., Defendant visited the Goldston Park area ("park") near Cassell and South Elm Streets in High Point, North Carolina for the purpose of engaging a prostitute for the performance of sexual services.

5. At the park, Defendant stopped his vehicle near C.H. ("C.H.")¹, a prostitute, and asked her if she was "working" that afternoon.

6. C.H. was not Defendant's spouse.

7. C.H. and Defendant agreed that C.H. would perform a sexual act as defined in N.C. Gen. Stat. § 14-27.20(4) in exchange for the payment of money.

8. With C.H. as a passenger in his vehicle, Defendant proceeded to an automated teller machine ("ATM") at a nearby bank where he withdrew money in order to pay C.H. for the sexual act.

9. C.H. then directed Defendant to her residence where C.H. performed the sexual act on Defendant.

10. Defendant engaged in the sexual act for the purpose of sexual arousal or gratification with a prostitute.

11. After C.H. performed the agreed upon sexual act, Defendant argued that he owed C.H. an amount lesser than agreed.

12. C.H. threatened that she would claim Defendant had raped her if he failed to pay her as agreed.

13. Defendant became emotional, telling C.H. to "name [her] price."

14. C.H. responded that she would accept a larger amount of money to leave Defendant alone.

15. Defendant told C.H. he did not have the money on him but would return to the bank's ATM to obtain the necessary money.

16. Defendant, C.H., and C.H.'s male housemate got into Defendant's vehicle and drove to the same ATM.

¹ The prostitute's name has been abbreviated to protect her identity.

17. Defendant withdrew additional amounts of money and gave C.H. the cash in payment.

18. Defendant then returned C.H. and her housemate to the area near C.H.'s residence.

19. During her encounter with Defendant, C.H. never brandished a knife to rob or sexually assault Defendant.

20. According to C.H., she did not engage in vaginal sexual intercourse with C.H.; Defendant maintains that he and C.H. did engage briefly in vaginal sexual intercourse.

21. By Defendant engaging in the sexual act with C.H., a prostitute, for the purpose of his sexual arousal or gratification, Defendant committed the crime of patronizing a prostitute in violation of N.C. Gen. Stat. § 14-205.2(a)(1).

22. On that same Thursday, October 19, 2017, at approximately 7:50 p.m., Defendant falsely reported to the High Point Police Department that he had been the victim of a robbery and sexual assault by an unidentified prostitute earlier that same afternoon.

23. In his police report to the investigating officer, Defendant falsely informed the officer about the reason he had visited the park near Cassell and South Elm Streets in High Point.

24. Defendant also falsely reported to the investigating officer the following: that the unidentified prostitute had asked him for a ride and exposed her breasts to him; that Defendant had asked the unidentified prostitute to exit his vehicle; that the unidentified prostitute had brandished a knife at him and told him he owed her money but refused to exit Defendant's vehicle until he paid her; and, that at knife point the unidentified prostitute ordered Defendant to drive her to her residence.

25. Defendant also reported to the investigating officer that after entering C.H.'s residence and her performing a sexual act on him, the unidentified prostitute attempted to have sexual intercourse with Defendant against his will during which there was partial penetration.

26. Due to their conflicting accounts, whether Defendant and C.H. engaged in vaginal sexual intercourse cannot be substantiated, and therefore it is unclear whether Defendant made a false statement to the investigating officer about C.H. attempting to have vaginal sexual intercourse with him against his will during which there was partial penetration.

27. By willfully filing the false police report for the purpose of hindering or obstructing the investigating officer's duty to determine if any crimes had been committed by the encounter between Defendant and C.H., Defendant committed the crime of making

a false police report to a law enforcement officer in violation of N.C. Gen. Stat. § 14-225(a).

28. Defendant's making of the false police report diverted the investigating officers and their resources from other criminal matters.

Based on the consent of the parties and the foregoing stipulated Findings of Fact, the Hearing Panel enters the following:

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant and the subject matter of this proceeding.

2. Defendant's conduct, as set out in the stipulated Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) as follows:

- a) By engaging in the sexual act with a prostitute for the purpose of his sexual arousal or gratification, Defendant committed a criminal act, N.C. Gen. Stat. § 14-205.2(a)(1), in violation of Rule 8.4(b), that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- b) By making a false report to the High Point Police about being forcibly robbed and sexually assaulted by the prostitute wielding a knife, Defendant committed a criminal act, N.C. Gen. Stat. § 14-225(a), in violation of Rule 8.4(b), that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; and,
- c) By making a false report to the High Point Police, Defendant engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c), and engaged in conduct that is prejudicial to the administration of justice in violation of Rule 8.4(d).

Upon the consent of the parties, the Hearing Panel also finds by clear, cogent, and convincing evidence the following:

ADDITIONAL FINDINGS REGARDING DISCIPLINE

1. The findings of fact in paragraphs 1 – 28 above are reincorporated as if set forth herein.

2. Defendant engaged in conduct that was degrading to C.H. and to himself as a newly licensed attorney.

3. Defendant engaged in such conduct only nine days after undergoing a North Carolina Board of Law Examiners' fitness hearing at which he was granted his law license.

4. In an attempt to further his narrative about the forcible sexual intercourse, on Saturday, October 21, 2017 Defendant underwent a sexual assault evidence collection kit ("rape kit") at the Duke University Hospital in Durham, North Carolina, which the High Point Police Department investigating officers were summoned to retrieve the rape kit from the Duke University Campus Police and place it in their chain of custody as evidence for their investigation.

5. The investigating officers devoted time and resources to interviewing C.H. and doing a follow up interview of Defendant, and retrieving the rape kit from the Duke University Campus Police.

6. The investigating officers subpoenaed and obtained the ATM images from the bank to attempt to confirm the number of times Defendant made ATM withdrawals and whether anyone accompanied Defendant in his vehicle.

7. The investigation consumed time and resources of the investigating officers which could have been devoted to investigating other more serious real crimes.

8. The investigation consumed time of the District Attorney's Office in reviewing whether criminal charges were warranted against either C.H. or Defendant.

9. The collection of evidence for the rape kit by staff at Duke University Hospital consumed time and resources of the staff and the Duke University Campus Police which could have been devoted to other more serious matters.

10. Defendant has been cooperative during the investigatory process.

11. Defendant continues to engage with the Lawyer's Assistance Program ("LAP"), and is in compliance with LAP's recommendations.

12. Defendant continues to attend counseling sessions and is in compliance with his counselor's treatment recommendations.

13. The Hearing Panel has carefully considered all of the different forms of discipline available to it, including admonition, reprimand, censure, suspension, and disbarment, in considering the appropriate discipline to impose in this case.

Based on the Findings of Fact and Conclusions of Law above and the additional Findings of Fact Regarding Discipline, the Hearing Panel makes the following:

CONCLUSIONS REGARDING DISCIPLINE

1. The hearing panel has carefully considered all of the different forms of discipline available to it. In addition, the hearing panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B § .0116(f)(3) of the Rules and Regulations of the North Carolina State Bar and finds the following factors are applicable in this matter:

(C) Absence of dishonest motive;

- (F) A pattern of misconduct;
- (G) Defendant engaged in multiple offenses;
- (H) Effect of personal or emotional problems on the conduct;
- (J) Defendant has undergone interim rehabilitation;
- (K) Cooperative attitude toward the proceeding; and,
- (P) Defendant is remorseful for his conduct.

2. The hearing panel has carefully considered all of the factors enumerated in 27 N.C. Admin. Code 1B § .0116(f)(1) of the Rules and Regulations of the North Carolina State Bar and finds the following factors warrant suspension of Defendant's license:

- (A) Circumstances reflecting Defendant's lack of honesty, trustworthiness, or integrity;
- (E) Defendant's actions had a potential negative impact on the public's perception of the legal profession;
- (F) Defendant's conduct had a negative impact on the administration of justice; and,
- (G) Defendant's conduct had an adverse effect on third parties.

3. The hearing panel has also carefully considered all of the factors enumerated in 27 N.C. Admin. Code 1B § .0116(f)(2) of the Rules and Regulations of the North Carolina State Bar, does not find any factors warranting consideration of disbarment, and concludes that disbarment is not necessary in order to protect the public.

4. The hearing panel has considered all other forms of discipline available and concludes, for the following reasons, that any sanction less than suspension would fail to acknowledge the seriousness of the offenses committed by Defendant, would not adequately protect the public, and would send the wrong message to attorneys and the public regarding the conduct expected of members of the Bar.

- a. The factors under 27 N.C.A.C. 1B §.0116(f)(1) and (f)(3) that are established by the evidence are of a nature that support imposition of suspension as the appropriate discipline;
- b. Entry of less serious discipline would fail to acknowledge the seriousness of the offenses Defendant committed and would send the wrong message to attorneys and the public regarding the conduct expected of members of the Bar in this State; and,

- c. A suspension with appropriate conditions, such as requiring Defendant to continue his therapy and periodic reporting by that therapist to the State Bar, along with the condition of a practice monitor and reporting by that practice monitor to the State Bar, will assure Defendant's progress and compliance with treatment and professional norms.
5. Defendant should be taxed with the administrative fees and costs of this action.

Based upon the foregoing Findings of Fact and Conclusions of Law and the Additional Findings of Fact and Conclusions Regarding Discipline, and based upon the consent of the parties, the Hearing Panel enters the following:

ORDER OF DISCIPLINE

1. The license of Defendant, Christopher Albert Stella, is hereby suspended for three years. This Order will be effective 30 days after service of the Order upon Defendant.
2. Defendant shall comply with the wind down provisions of 27 N.C.A.C. 1B § .0128 of the State Bar Rules.
3. Within 15 days of the effective date of this Order, Defendant shall provide the State Bar's Office of Counsel with an address and telephone number at which clients, if any, seeking return of files can communicate with Defendant and obtain such files, and Defendant shall promptly provide client files to all clients who request return of their files.
4. After eighteen months of active suspension, Defendant may apply under 27 N.C.A.C. 1B § .0118(c) of the State Bar Rules for a stay of the remaining period of suspension by filing a motion in this DHC proceeding demonstrating by clear, cogent and convincing evidence that Defendant has met all requirements for a stay and reinstatement set out in Rules 27 N.C.A.C. 1B §§ .0128 and .0129 of the State Bar Rules, and has complied with each of the following conditions:
 - a. Defendant, at his own expense, continues counseling with his present psychologist, and/or any other board-certified psychiatrist, psychologist, or counselor (hereafter "Therapist") of his own choosing, and follows and complies with the course of treatment prescribed by his Therapist. The Therapist shall provide quarterly reports, due in the Office of Counsel by the tenth day of each quarter (starting with the first report due on or by April 10, 2019, and then quarterly reports thereafter on or by July 10, 2019, October 10, 2019, January 10, 2020, April 10, 2020, July 10, 2020, October 10, 2020, January 10, 2021, April 10, 2021, October 10, 2021, and January 10, 2022), to the State Bar (with a copy to Defendant) confirming Defendant is following the recommendations of the Therapist. The Therapist shall notify the State Bar if Defendant fails to follow the

recommendations and treatment program of the Therapist. Defendant shall ensure these reports and notifications are timely made. Defendant will sign all necessary releases or documents to allow such reports and notifications, to allow the Therapist to provide documents from Defendant's treatment to the State Bar, and to allow the Therapist to discuss Defendant's participation and treatment with the Office of Counsel of the State Bar, and shall not revoke the release during the period of the suspension;

- b. Defendant instructs his Therapist to notify the Office of Counsel immediately in writing if, at any point during the stayed suspension, Defendant ceases to be a patient or otherwise fails to comply with the course of treatment prescribed by the Therapist;
- c. Defendant timely submits his annual Continuing Legal Education ("CLE") report form to the CLE Department of the North Carolina State Bar each year of the suspension and contemporaneously sends a copy of the CLE report form to the Office of Counsel of the State Bar to document compliance. "Timely" means by the date specified by the CLE department as the date by which members must submit their annual report forms to avoid assessment of a \$75.00 late filing penalty. Defendant must ensure the Office of Counsel receives a copy of his annual CLE report form no later than 15 days after it is due to the CLE department of the State Bar each year;
- d. Defendant pays all Membership dues and Client Security Fund assessments and complies with all CLE requirements on a timely basis;
- e. Defendant keeps his address of record with the State Bar current, accepts all certified mail from the State Bar, and responds to all letters of notice and requests for information from the State Bar by the deadlines stated in the communication;
- f. Defendant does not violate any of the Rules of Professional Conduct in effect during the period of the stay;
- g. Defendant does not violate any laws of the State of North Carolina or of the United States during the period of the stay; and
- h. Defendant pays all costs and administrative fees of this proceeding as assessed by the Secretary within ninety (90) days after service of the notice of costs on him, or as may be extended by the panel for good cause shown by Defendant.

3. If Defendant fails to comply with any one or more of the conditions of the stay of his suspension provided in paragraphs 2(a)-2(h) above, the stay of suspension may be lifted in accordance with 27 N.C.A.C. 1B § .0118(a).

4. Defendant's obligations under this Order end after the applicable period of the suspension provided there are no motions or show cause proceedings pending alleging lack of compliance with the conditions of the stay of the suspension. Pursuant to 27 N.C.A.C. 1B § .0118(b), the DHC retains jurisdiction until all conditions of the stay of the suspension have been met. If a motion or show cause proceeding alleging lack of compliance with the conditions for the stay of the suspension is pending when the period of the stay of the suspension would otherwise have terminated, the DHC retains the jurisdiction and ability to lift the stay of the suspension and activate the remaining portion of the suspension in whole or in part if it finds that any of the conditions of the stay have not been met. The stay of the suspension and Defendant's obligation to comply with the conditions for the stay will continue until resolution of any such pending motion or the show cause proceeding.


5. If the stay of the suspension is lifted and the remaining period of suspension is activated for any reason, the following conditions are placed upon Defendant's reinstatement to active status. With any petition Defendant files for reinstatement to active practice, Defendant must demonstrate by clear, cogent, and convincing evidence that he complied with each of the following conditions:

- a. Complied with 2(d)-2(e) above;
- b. Submitted his license and membership card to the Secretary of the State Bar no later than 30 days from the effective date of the order activating his suspension;
- c. Complied with all provisions of 27 N.C.A.C. 1B § .0128 on a timely basis;
- d. Complied with all provisions of 27 N.C.A.C. 1B § 0129(b);
- e. Not have violated any of the Rules of Professional Conduct;
- f. Not have violated any laws of the State of North Carolina or of the United States; and
- g. Paid all costs of this proceeding as assessed by the Secretary within ninety (90) days after service of the notice of costs on him, or as may be extended by the panel for good cause shown by Defendant.

6. Defendant is taxed with the administrative fees and costs of this action as assessed by the Secretary, which shall be paid within ninety (90) days of service of the notice of costs upon Defendant, or as may be extended by the panel for good cause shown by Defendant.

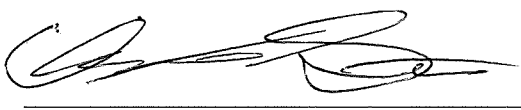
7. Signed by the undersigned Hearing Panel Chair with the consent of the other Hearing Panel members.

This the 29 day of January 2019.

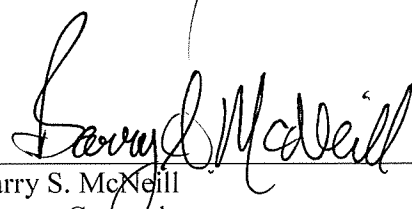


David W. Long, Chair
Disciplinary Hearing Panel

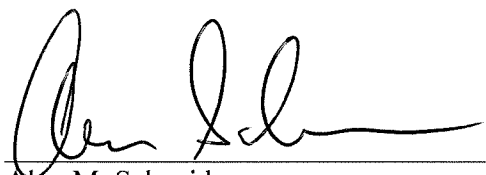
Agreed and consented to by:



Christopher Albert Stella
Defendant



Barry S. McNeill
Deputy Counsel
The North Carolina State Bar



Alan M. Schneider
Counsel for Defendant