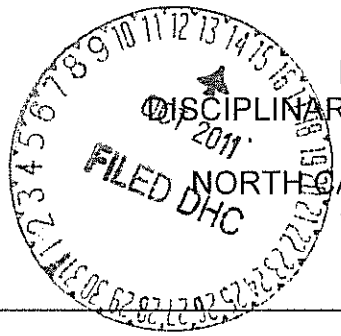
NORTH CAROLINA

WAKE COUNTY



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

THE NORTH CAROLINA STATE BAR, Plaintiff	)	
v.	)	COMPLAINT
LOUIE WILSON III, Attorney, Defendant	)	

Plaintiff, complaining of Defendant, alleges and says:

1. Plaintiff, the North Carolina State Bar (hereinafter "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 promulgated thereunder.

2. Defendant, Louie Wilson III (hereinafter "Wilson" or "Defendant"), was admitted to the North Carolina State Bar on September 11, 1998 and is, and was at all times referred to herein, an Attorney at Law licensed to practice in North Carolina, subject to the rules, regulations, and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

Upon information and belief, the State Bar alleges:

3. During the times relevant herein, Defendant actively engaged in the practice of law in the State of North Carolina and maintained a law office in Murfreesboro, Hertford County, North Carolina.

4. Between January 23, 2007 and December 31, 2010, Defendant maintained a client trust account with RBC Centura Bank, account number ending in the digits 5894 (hereinafter the "RBC trust account").

5. Defendant used the RBC trust account as a general trust account in which Defendant deposited and disbursed client funds.

6. Defendant employed an assistant over whom Defendant had direct supervisory authority.

7. Defendant delegated all aspects of the use and maintenance of the RBC trust account to his assistant, including receiving entrusted funds, depositing funds, preparing checks and receiving monthly bank statements.

8. Defendant did not instruct his assistant regarding the proper use and maintenance of the trust account, nor did Defendant routinely review his assistant's activities regarding her handling of entrusted funds.

9. Defendant did not personally review any trust account or other records to determine whether the entrusted funds being received by his assistant were properly deposited, accounted for, and disbursed.

10. Defendant did not reconcile the RBC trust account at least quarterly between January 2007 and December 2010.

11. Between approximately March 2008 and May 2009, Defendant's assistant misappropriated at least $1,400.00 belonging to Defendant's clients. Defendant's lack of oversight of his trust account records and of his assistant's activities allowed his assistant's misappropriation to go undetected.

THEREFORE, the State Bar alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C.G.S. §84-28(b)(2) in that Defendant violated one or more of the Rules of Professional Conduct in effect at the time of the actions as follows:

a. by failing to properly instruct his assistant, to routinely review his assistant's activities, and to review trust account and other records, Defendant did not make reasonable efforts to ensure that the conduct of a nonlawyer over whom he had direct supervisory authority was compatible with Defendant's professional responsibilities in violation of Rule 5.3(b); and

b. by failing to reconcile his trust account at least quarterly, Defendant failed to total and reconcile the account with the current bank balance each quarter in violation of Rule 1.15-3(d).

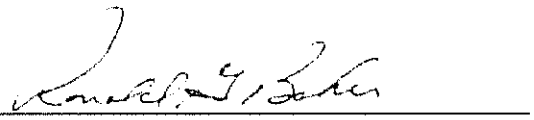
WHEREFORE, the State Bar prays that

1. Disciplinary action be taken against Defendant in accordance with N.C.G.S. §84-28 (c) and 27 N.C.A.C. 1B §.0114 as the evidence on hearing may warrant;

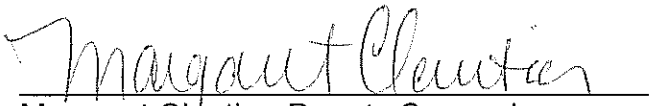
2. Defendant be taxed with costs and administrative fees in connection with this proceeding; and

3. For such other and further relief as is appropriate.

This the 14 day of October, 2011.



Ronald G. Baker, Sr., Chair
Grievance Committee



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